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**PATENT**  
38-21(10660)A

**GLYPHOSATE-TOLERANT**  
**5-ENOLPYRUVYLSHIKIMATE-3-PHOSPHATE SYNTHASES**

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This is a continuation-in-part of a copending U.S. patent application serial number 07/749,611, filed August 28, 1991 which is a continuation-in-part of U.S. patent application serial number 07/576,537, filed August 31, 1990, now abandoned.

**BACKGROUND OF THE INVENTION**

This invention relates in general to plant molecular biology and, more particularly, to a new class of glyphosate-tolerant 5-enolpyruvylshikimate-3-phosphate synthases.

Recent advances in genetic engineering have provided the requisite tools to transform plants to contain foreign genes. It is now possible to produce plants which have unique characteristics of agronomic importance. Certainly, one such advantageous trait is more cost effective, environmentally compatible weed control via herbicide tolerance. Herbicide-tolerant plants may reduce the need for tillage to control weeds thereby effectively reducing soil erosion.

One herbicide which is the subject of much investigation in this regard is N-phosphonomethylglycine commonly referred to as glyphosate. Glyphosate inhibits the shikimic acid pathway which leads to the biosynthesis of aromatic compounds including amino acids, plant hormones and vitamins. Specifically, glyphosate curbs the conversion of phosphoenolpyruvic acid (PEP) and 3-phosphoshikimic acid to 5-enolpyruvyl-3-phosphoshikimic acid by inhibiting the enzyme 5-enolpyruvylshikimate-3-phosphate synthase (hereinafter

referred to as EPSP synthase or EPSPS). For purposes of the present invention, the term "glyphosate" should be considered to include any herbicidally effective form of N-phosphonomethylglycine (including any salt thereof) and other forms which result in the production of the glyphosate anion in planta.

It has been shown that glyphosate-tolerant plants can be produced by inserting into the genome of the plant the capacity to produce a higher level of EPSP synthase in the chloroplast of the cell (Shah *et al.*, 1986) which enzyme is preferably glyphosate-tolerant (Kishore *et al.* 1988). Variants of the wild-type EPSPS enzyme have been isolated which are glyphosate-tolerant as a result of alterations in the EPSPS amino acid coding sequence (Kishore and Shah, 1988; Schulz *et al.*, 1984; Sost *et al.*, 1984; Kishore *et al.*, 1986). These variants typically have a higher  $K_i$  for glyphosate than the wild-type EPSPS enzyme which confers the glyphosate-tolerant phenotype, but these variants are also characterized by a high  $K_m$  for PEP which makes the enzyme kinetically less efficient (Kishore and Shah, 1988; Sost *et al.*, 1984; Schulz *et al.*, 1984; Kishore *et al.*, 1986; Sost and Amrhein, 1990). For example, the apparent  $K_m$  for PEP and the apparent  $K_i$  for glyphosate for the native EPSPS from *E. coli* are 10  $\mu\text{M}$  and 0.5  $\mu\text{M}$  while for a glyphosate-tolerant isolate having a single amino acid substitution of an alanine for the glycine at position 96 these values are 220  $\mu\text{M}$  and 4.0 mM, respectively. A number of glyphosate-tolerant plant variant EPSPS genes have been constructed by mutagenesis. Again, the glyphosate-tolerant EPSPS was impaired due to an increase in the  $K_m$  for PEP and a slight reduction of the  $V_{\text{max}}$  of the native plant enzyme (Kishore and Shah, 1988) thereby lowering the catalytic efficiency ( $V_{\text{max}}/K_m$ ) of the enzyme. Since the kinetic constants of the variant enzymes are impaired with respect to PEP, it has been proposed that high levels of overproduction of the variant enzyme, 40-80 fold, would be required to

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maintain normal catalytic activity in plants in the presence of glyphosate (Kishore *et al.*, 1988).

While such variant EPSP synthases have proved useful in obtaining transgenic plants tolerant to glyphosate, it would be increasingly beneficial to obtain an EPSP synthase that is highly glyphosate-tolerant while still kinetically efficient such that the amount of the glyphosate-tolerant EPSPS needed to be produced to maintain normal catalytic activity in the plant is reduced or that improved tolerance be obtained with the same expression level.

Previous studies have shown that EPSPS enzymes from different sources vary widely with respect to their degree of sensitivity to inhibition by glyphosate. A study of plant and bacterial EPSPS enzyme activity as a function of glyphosate concentration showed that there was a very wide range in the degree of sensitivity to glyphosate. The degree of sensitivity showed no correlation with any genus or species tested (Schulz *et al.*, 1985). Insensitivity to glyphosate inhibition of the activity of the EPSPS from the *Pseudomonas* sp. PG2982 has also been reported but with no details of the studies (Fitzgibbon, 1988). In general, while such natural tolerance has been reported, there is no report suggesting the kinetic superiority of the naturally occurring bacterial glyphosate-tolerant EPSPS enzymes over those of mutated EPSPS enzymes nor have any of the genes been characterized. Similarly, there are no reports on the expression of naturally glyphosate-tolerant EPSPS enzymes in plants to confer glyphosate tolerance.

For purposes of the present invention the term "mature EPSP synthase" relates to the EPSPS polypeptide without the N-terminal chloroplast transit peptide. It is now known that the precursor form of the EPSP synthase in plants (with the transit peptide) is expressed and upon delivery to the chloroplast, the transit peptide is cleaved yielding the mature EPSP synthase. All numbering of amino acid positions are given with respect to the mature EPSP synthase (without chloroplast transit peptide leader) to facilitate comparison of EPSPS sequences from sources which have

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chloroplast transit peptides (i.e., plants and fungi) to sources which do not utilize a chloroplast targeting signal (i.e., bacteria).

In the amino acid sequences which follow, the standard single letter or three letter nomenclature are used. All peptide structures represented in the following description are shown in conventional format in which the amino group at the N-terminus appears to the left and the carboxyl group at the C-terminus at the right. Likewise, amino acid nomenclature for the naturally occurring amino acids found in protein is as follows: alanine (Ala;A), asparagine (Asn;N), aspartic acid (Asp;D), arginine (Arg;R), cysteine (Cys;C), glutamic acid (Glu;E), glutamine (Gln;Q), glycine (Gly;G), histidine (His;H), isoleucine (Ile;I), leucine (Leu;L), lysine (Lys;K), methionine (Met;M), phenylalanine (Phe;F), proline (Pro;P), serine (Ser;S), threonine (Thr;T), tryptophan (Trp;W), tyrosine (Tyr;Y), and valine (Val;V). An "X" is used when the amino acid residue is unknown and parentheses designate that an unambiguous assignment is not possible and the amino acid designation within the parentheses is the most probable estimate based on known information.

The term "nonpolar" amino acids include alanine, valine, leucine, isoleucine, proline, phenylalanine, tryptophan, and methionine. The term "uncharged polar" amino acids include glycine, serine, threonine, cysteine, tyrosine, asparagine and glutamine. The term "charged polar" amino acids includes the "acidic" and "basic" amino acids. The term "acidic" amino acids includes aspartic acid and glutamic acid. The term "basic" amino acid includes lysine, arginine and histidine. The term "polar" amino acids includes both "charged polar" and "uncharged polar" amino acids.

Deoxyribonucleic acid (DNA) is a polymer comprising four mononucleotide units, dAMP (2'-Deoxyadenosine-5- monophosphate), dGMP (2'-Deoxyguanosine-5- monophosphate), dCMP (2'-Deoxycytosine-5- monophosphate) and dTMP (2'-Deoxythymosine-5- monophosphate) linked in various sequences by 3',5'-phosphodiester bridges. The structural DNA consists of multiple nucleotide triplets called "codons" which code for the amino

acids. The codons correspond to the various amino acids as follows: Arg (CGA, CGC, CGG, CGT, AGA, AGG); Leu (CTA, CTC, CTG, CTT, TTA, TTG); Ser (TCA, TCC, TCG, TCT, AGC, AGT); Thr (ACA, ACC, ACG, ACT); Pro (CCA, CCC, CCG, CCT); Ala (GCA, GCC, GCG, GCT); Gly (GGA, GGC, GGG, GGT); Ile (ATA, ATC, ATT); Val (GTA, GTC, GTG, GTT); Lys (AAA, AAG); Asn (AAC, AAT); Gln (CAA, CAG); His (CAC, CAT); Glu (GAA, GAG); Asp (GAC, GAT); Tyr (TAC, TAT); Cys (TGC, TGT); Phe (TTC, TTT); Met (ATG); and Trp (UGG). Moreover, due to the redundancy of the genetic code (i.e., more than one codon for all but two amino acids), there are many possible DNA sequences which may code for a particular amino acid sequence.

### SUMMARY OF THE INVENTION

DNA molecules comprising DNA encoding kinetically efficient, glyphosate-tolerant EPSP synthases are disclosed. The EPSP synthases of the present invention reduce the amount of overproduction of the EPSPS enzyme in a transgenic plant necessary for the enzyme to maintain catalytic activity while still conferring glyphosate tolerance. The EPSP synthases described herein represent a new class of EPSPS enzymes, referred to hereinafter as Class II EPSPS enzymes. Class II EPSPS enzymes of the present invention usually share only between about 47% and 55% amino acid similarity or between about 22% and 30% amino acid identity to other known bacterial or plant EPSPS enzymes and exhibit tolerance to glyphosate while maintaining suitable  $K_m$  (PEP) ranges. Suitable ranges of  $K_m$  (PEP) for EPSPS for enzymes of the present invention are between 1-150  $\mu M$ , with a more preferred range of between 1-35  $\mu M$ , and a most preferred range between 2-25  $\mu M$ . These kinetic constants are determined under the assay conditions specified hereinafter. An EPSPS of the present invention preferably has a  $K_i$  for glyphosate range of between 15-10000  $\mu M$ . The  $K_i/K_m$  ratio should be

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between about 2-500, and more preferably between 25-500. The  $V_{max}$  of the purified enzyme should preferably be in the range of 2-100 units/mg ( $\mu$ moles/minute.mg at 25°C) and the  $K_m$  for shikimate-3-phosphate should preferably be in the range of 0.1 to 50  $\mu$ M.

Genes coding for Class II EPSPS enzymes have been isolated from five (5) different bacteria: *Agrobacterium tumefaciens* sp. strain CP4, *Achromobacter* sp. strain LBAA, *Pseudomonas* sp. strain PG2982, *Bacillus subtilis*, and *Staphylococcus aureus*. The LBAA and PG2982 Class II EPSPS genes have been determined to be identical and the proteins encoded by these two genes are very similar to the CP4 protein and share approximately 84% amino acid identity with it. Class II EPSPS enzymes often may be distinguished from Class I EPSPS's by their inability to react with polyclonal antibodies prepared from Class I EPSPS enzymes under conditions where other Class I EPSPS enzymes would readily react with the Class I antibodies as well as the presence of certain unique regions of amino acid homology which are conserved in Class II EPSP synthases as discussed hereinafter.

Other Class II EPSPS enzymes can be readily isolated and identified by utilizing a nucleic acid probe from one of the Class II EPSPS genes disclosed herein using standard hybridization techniques. Such a probe from the CP4 strain has been prepared and utilized to isolate the Class II EPSPS genes from strains LBAA and PG2982. These genes may also optionally be adapted for enhanced expression in plants by known methodology. Such a probe has also been used to identify homologous genes in bacteria isolated *de novo* from soil.

The Class II EPSPS enzymes are preferably fused to a chloroplast transit peptide (CTP) to target the protein to the chloroplasts of the plant into which it may be introduced. Chimeric genes encoding this CTP-Class II EPSPS fusion protein may be prepared with an appropriate promoter and 3' polyadenylation site for introduction into a desired plant by standard methods.

To obtain the maximal tolerance to glyphosate herbicide it is preferable to transform the desired plant with a plant-expressible Class II EPSPS gene in

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conjunction with another plant-expressible gene which expresses a protein capable of degrading glyphosate such as a plant-expressible gene encoding a glyphosate oxidoreductase enzyme as described in PCT Application No. WO 92/00377, the disclosure of which is hereby incorporated by reference.

Therefore, in one aspect, the present invention provides a new class of EPSP synthases that exhibit a low  $K_m$  for phosphoenolpyruvate (PEP), a high  $V_{max}/K_m$  ratio, and a high  $K_i$  for glyphosate such that when introduced into a plant, the plant is made glyphosate-tolerant such that the catalytic activity of the enzyme and plant metabolism are maintained in a substantially normal state. For purposes of this discussion, a highly efficient EPSPS refers to its efficiency in the presence of glyphosate.

More particularly, the present invention provides EPSPS enzymes having a  $K_m$  for phosphoenolpyruvate (PEP) between 1-150  $\mu M$  and a  $K_i(\text{glyphosate})/K_m(\text{PEP})$  ratio between 3-500, said enzymes having the sequence domains:

-R-X<sub>1</sub>-H-X<sub>2</sub>-E- (SEQ ID NO:37), in which

X<sub>1</sub> is an uncharged polar or acidic amino acid,

X<sub>2</sub> is serine or threonine; and

-G-D-K-X<sub>3</sub>- (SEQ ID NO:38), in which

X<sub>3</sub> is serine or threonine; and

-S-A-Q-X<sub>4</sub>-K- (SEQ ID NO:39), in which

X<sub>4</sub> is any amino acid; and

-N-X<sub>5</sub>-T-R- (SEQ ID:40), in which

X<sub>5</sub> is any amino acid.

Exemplary Class II EPSPS enzyme sequences are disclosed from seven sources: *Agrobacterium* sp. strain designated CP4, *Achromobacter* sp. strain LBAA, *Pseudomonas* sp. strain PG2982, *Bacillus subtilis* 1A2, *Staphylococcus aureus* (ATCC 35556), *Synechocystis* sp. PCC6803 and *Dichelobacter nodosus*.

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In another aspect of the present invention, a double-stranded DNA molecule comprising DNA encoding a Class II EPSPS enzyme is disclosed. Exemplary Class II EPSPS enzyme DNA sequences are disclosed from seven sources: *Agrobacterium* sp. strain designated CP4, *Achromobacter* sp. strain LBAA, *Pseudomonas* sp. strain PG2982, *Bacillus subtilis* 1A2, *Staphylococcus aureus* (ATCC 35556), *Synechocystis* sp. PCC6803 and *Dichelobacter nodosus*.

In a further aspect of the present invention, nucleic acid probes from EPSPS Class II genes are presented that are suitable for use in screening for Class II EPSPS genes in other sources by assaying for the ability of a DNA sequence from the other source to hybridize to the probe.

In yet another aspect of the present invention, a recombinant, double-stranded DNA molecule comprising in sequence:

- a) a promoter which functions in plant cells to cause the production of an RNA sequence;
- b) a structural DNA sequence that causes the production of an RNA sequence which encodes a Class II EPSPS enzyme having the sequence domains:
  - R-X<sub>1</sub>-H-X<sub>2</sub>-E- (SEQ ID NO:37), in which
    - X<sub>1</sub> is an uncharged polar or acidic amino acid.
    - X<sub>2</sub> is serine or threonine; and
  - G-D-K-X<sub>3</sub>- (SEQ ID NO:38), in which
    - X<sub>3</sub> is serine or threonine; and
  - S-A-Q-X<sub>4</sub>-K- (SEQ ID NO:39), in which
    - X<sub>4</sub> is any amino acid; and
  - N-X<sub>5</sub>-T-R- (SEQ ID:40), in which
    - X<sub>5</sub> is any amino acid; and
- c) a 3' nontranslated region which functions in plant cells to cause the addition of a stretch of polyadenyl nucleotides to the 3' end of the RNA sequence

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where the promoter is heterologous with respect to the structural DNA sequence and adapted to cause sufficient expression of the EPSP synthase polypeptide to enhance the glyphosate tolerance of a plant cell transformed with said DNA molecule.

In still yet another aspect of the present invention, transgenic plants and transformed plant cells are disclosed that are made glyphosate-tolerant by the introduction of the above-described plant-expressible Class II EPSPS DNA molecule into the plant's genome.

In still another aspect of the present invention, a method for selectively controlling weeds in a crop field is presented by planting crop seeds or crop plants transformed with a plant-expressible Class II EPSPS DNA molecule to confer glyphosate tolerance to the plants which allows for glyphosate containing herbicides to be applied to the crop to selectively kill the glyphosate sensitive weeds, but not the crops.

Other and further objects, advantages and aspects of the invention will become apparent from the accompanying drawing figures and the description of the invention.

### BRIEF DESCRIPTION OF THE DRAWINGS

~~Figures 1A-1B show~~  
Figure 1 shows the DNA sequence (SEQ ID NO:1) for the full-length promoter of figwort mosaic virus (FMV35S).

Figure 2 shows the cosmid cloning vector pMON17020.

~~Figures 3A-3E show~~  
Figure 3 shows the structural DNA sequence (SEQ ID NO:2) for the Class II EPSPS gene from bacterial isolate *Agrobacterium* sp. strain CP4 and the deduced amino acid sequence (SEQ ID NO:3).

~~Figures 4A-4E show~~  
Figure 4 shows the structural DNA sequence (SEQ ID NO:4) for the Class II EPSPS gene from the bacterial isolate *Achromobacter* sp. strain LBAA and the deduced amino acid sequence (SEQ ID NO:5).

~~Figures 5A-5E show~~ Figures 5A-5E show  
 Figure 5 shows the structural DNA sequence (SEQ ID NO:6) for the Class II EPSPS gene from the bacterial isolate *Pseudomonas* sp. strain PG2982 and the deduced amino acid sequence (SEQ ID NO:7).

~~Figures 6A-6B show~~ Figures 6A-6B show  
 Figure 6 shows the Bestfit comparison of the CP4 EPSPS amino acid sequence (SEQ ID NO:3) with that for the *E. coli* EPSPS (SEQ ID NO:8).

~~Figures 7A-7B show~~ Figures 7A-7B show  
 Figure 7 shows the Bestfit comparison of the CP4 EPSPS amino acid sequence (SEQ ID NO:3) with that for the LBAA EPSPS (SEQ ID NO:5).

~~Figures 8A-8B show~~ Figures 8A-8B show  
 Figure 8 shows the structural DNA sequence (SEQ ID NO:9) for the synthetic CP4 Class II EPSPS gene.

Figure 9 shows the DNA sequence (SEQ ID NO:10) of the chloroplast transit peptide (CTP) and encoded amino acid sequence (SEQ ID NO:11) derived from the *Arabidopsis thaliana* EPSPS CTP and containing a *SphI* restriction site at the chloroplast processing site, hereinafter referred to as CTP2.

~~Figures 10A-10B show~~ Figures 10A-10B show  
 Figure 10 shows the DNA sequence (SEQ ID NO:12) of the chloroplast transit peptide and encoded amino acid sequence (SEQ ID NO:13) derived from the *Arabidopsis thaliana* EPSPS gene and containing an *EcoRI* restriction site within the mature region of the EPSPS, hereinafter referred to as CTP3.

Figure 11 shows the DNA sequence (SEQ ID NO:14) of the chloroplast transit peptide and encoded amino acid sequence (SEQ ID NO:15) derived from the *Petunia hybrida* EPSPS CTP and containing a *SphI* restriction site at the chloroplast processing site and in which the amino acids at the processing site are changed to -Cys-Met, hereinafter referred to as CTP4.

~~Figures 12A-12B show~~ Figures 12A-12B show  
 Figure 12 shows the DNA sequence (SEQ ID NO:16) of the chloroplast transit peptide and encoded amino acid sequence (SEQ ID NO:17) derived from the *Petunia hybrida* EPSPS gene with the naturally occurring *EcoRI* site in the mature region of the EPSPS gene, hereinafter referred to as CTP5.

Figure 13 shows a plasmid map of CP4 plant transformation/ expression vector pMON17110.

Figure 14 shows a plasmid map of CP4 synthetic EPSPS gene plant transformation/expression vector pMON17131.

Figure 15 shows a plasmid map of CP4 EPSPS free DNA plant transformation expression vector pMON13640.

Figure 16 shows a plasmid map of CP4 plant transformation/direct selection vector pMON17227.

Figure 17 shows a plasmid map of CP4 plant transformation/expression vector pMON19653.

~~Figure 18 shows the structural DNA sequence (SEQ ID NO:41) for the Class II EPSPS gene from the bacterial isolate *Bacillus subtilis* and the deduced amino acid sequence (SEQ ID NO:42).~~ *Figures 18A-18D show*

~~Figure 19 shows the structural DNA sequence (SEQ ID NO:43) for the Class II EPSPS gene from the bacterial isolate *Staphylococcus aureus* and the deduced amino acid sequence (SEQ ID NO:44).~~ *Figures 19A-19D show*

~~Figure 20 shows the Bestfit comparison of the representative Class II EPSPS amino acid sequences *Pseudomonas* sp. strain PG2982 (SEQ ID NO:7), *Achromobacter* sp. strain LBAA (SEQ ID NO:5), *Agrobacterium* sp. strain designated CP4 (SEQ ID NO:3), *Bacillus subtilis* (SEQ ID NO:42), and *Staphylococcus aureus* (SEQ ID NO:44) with that for representative Class I EPSPS amino acid sequences [*Sacchromyces cerevisiae* (SEQ ID NO:49), *Aspergillus nidulans* (SEQ ID NO:50), *Brassica napus* (SEQ ID NO:51), *Arabidopsis thaliana* (SEQ ID NO:52), *Nicotina tabacum* (SEQ ID NO:53), *L. esculentum* (SEQ ID NO:54), *Petunia hybrida* (SEQ ID NO:55), *Zea mays* (SEQ ID NO:56), *Solmenella gallinarum* (SEQ ID NO:57), *Solmenella typhimurium* (SEQ ID NO:58), *Solmenella typhi* (SEQ ID NO:65), *E. coli* (SEQ ID NO:8), *K. pneumoniae* (SEQ ID NO:59), *Y. enterocolitica* (SEQ ID NO:60), *H. influenzae* (SEQ ID NO:61), *P. multocida* (SEQ ID NO:62), *Aeromonas salmonicida* (SEQ ID NO:63), *Bacillus pertussis* (SEQ ID NO:64)] and illustrates the conserved regions among Class II EPSPS sequences which are unique to Class II EPSPS sequences. To aid in a comparison of the EPSPS sequences, only mature~~ *Figures 20A-20K show*

EPSPS sequences were compared. That is, the sequence corresponding to the chloroplast transit peptide, if present in a subject EPSPS, was removed prior to making the sequence alignment.

~~Figures 21A-21E show~~ Figure 21 shows the structural DNA sequence (SEQ ID NO:66) for the Class II EPSPS gene from the bacterial isolate *Synechocystis* sp. PCC6803 and the deduced amino acid sequence (SEQ ID NO:67).

~~Figures 22A-22E show~~ Figure 22 shows the structural DNA sequence (SEQ ID NO:68) for the Class II EPSPS gene from the bacterial isolate *Dichelobacter nodosus* and the deduced amino acid sequence (SEQ ID NO:69).

~~Figures 23A-23D show~~ Figure 23 shows the Bestfit comparison of the representative Class II EPSPS amino acid sequences *Pseudomonas* sp. strain PG2982 (SEQ ID NO:7), *Achromobacter* sp. strain LBAA (SEQ ID NO:5), *Agrobacterium* sp. strain designated CP4 (SEQ ID NO:3), *Synechocystis* sp. PCC6803 (SEQ ID NO:67), *Bacillus subtilis* (SEQ ID NO:42), *Dichelobacter nodosus* (SEQ ID NO:69) and *Staphylococcus aureus* (SEQ ID NO:44).

Figure 24 a plasmid map of canola plant transformation/expression vector pMON17209.

Figure 25 a plasmid map of canola plant transformation/expression vector pMON17237.

### STATEMENT OF THE INVENTION

The expression of a plant gene which exists in double-stranded DNA form involves synthesis of messenger RNA (mRNA) from one strand of the DNA by RNA polymerase enzyme, and the subsequent processing of the mRNA primary transcript inside the nucleus. This processing involves a 3' non-translated region which adds polyadenylate nucleotides to the 3' end of the RNA.

Transcription of DNA into mRNA is regulated by a region of DNA usually referred to as the "promoter." The promoter region contains a sequence

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of bases that signals RNA polymerase to associate with the DNA, and to initiate the transcription into mRNA using one of the DNA strands as a template to make a corresponding complementary strand of RNA. A number of promoters which are active in plant cells have been described in the literature. These include the nopaline synthase (NOS) and octopine synthase (OCS) promoters, (which are carried on tumor-inducing plasmids of *Agrobacterium tumefaciens*), the cauliflower mosaic virus (CaMV) 19S and 35S promoters, the light-inducible promoter from the small subunit of ribulose bis-phosphate carboxylase (ssRUBISCO, a very abundant plant polypeptide) and the full-length transcript promoter from the figwort mosaic virus (FMV35S), promoters from the maize ubiquitin and rice actin genes. All of these promoters have been used to create various types of DNA constructs which have been expressed in plants; see, e.g., PCT publication WO 84/02913 (Rogers *et al.*, Monsanto).

Promoters which are known or found to cause transcription of DNA in plant cells can be used in the present invention. Such promoters may be obtained from a variety of sources such as plants and plant DNA viruses and include, but are not limited to, the CaMV35S and FMV35S promoters and promoters isolated from plant genes such as ssRUBISCO genes and the maize ubiquitin and rice actin genes. As described below, it is preferred that the particular promoter selected should be capable of causing sufficient expression to result in the production of an effective amount of a Class II EPSPS to render the plant substantially tolerant to glyphosate herbicides. The amount of Class II EPSPS needed to induce the desired tolerance may vary with the plant species. It is preferred that the promoters utilized have relatively high expression in all meristematic tissues in addition to other tissues inasmuch as it is now known that glyphosate is translocated and accumulated in this type of plant tissue. Alternatively, a combination of chimeric genes can be used to cumulatively result in the necessary overall expression level of the selected Class II EPSPS enzyme to result in the glyphosate-tolerant phenotype.

The mRNA produced by a DNA construct of the present invention also contains a 5' non-translated leader sequence. This sequence can be derived from the promoter selected to express the gene, and can be specifically modified so as to increase translation of the mRNA. The 5' non-translated regions can also be obtained from viral RNAs, from suitable eukaryotic genes, or from a synthetic gene sequence. The present invention is not limited to constructs, as presented in the following examples, wherein the non-translated region is derived from both the 5' non-translated sequence that accompanies the promoter sequence and part of the 5' non-translated region of the virus coat protein gene. Rather, the non-translated leader sequence can be derived from an unrelated promoter or coding sequence as discussed above.

Preferred promoters for use in the present invention are the full-length transcript (SEQ ID NO:1) promoter from the figwort mosaic virus (FMV35S) and the full-length transcript (35S) promoter from cauliflower mosaic virus (CaMV), including the enhanced CaMV35S promoter (Kay *et al.* 1987). The FMV35S promoter functions as strong and uniform promoter with particularly good expression in meristematic tissue for chimeric genes inserted into plants, particularly dicotyledons. The resulting transgenic plant in general expresses the protein encoded by the inserted gene at a higher and more uniform level throughout the tissues and cells of the transformed plant than the same gene driven by an enhanced CaMV35S promoter. Referring to Figure 1, the DNA sequence (SEQ ID NO:1) of the FMV35S promoter is located between nucleotides 6368 and 6930 of the FMV genome. A 5' non-translated leader sequence is preferably coupled with the promoter. The leader sequence can be from the FMV35S genome itself or can be from a source other than FMV35S.

For expression of heterologous genes in monocotyledonous plants the use of an intron has been found to enhance expression of the heterologous gene. While one may use any of a number of introns which have been isolated from plant genes, the use of the first intron from the maize heat shock 70 gene is preferred.

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The 3' non-translated region of the chimeric plant gene contains a polyadenylation signal which functions in plants to cause the addition of polyadenylate nucleotides to the 3' end of the viral RNA. Examples of suitable 3' regions are (1) the 3' transcribed, non-translated regions containing the polyadenylated signal of Agrobacterium tumor-inducing (Ti) plasmid genes, such as the nopaline synthase (NOS) gene, and (2) plant genes like the soybean storage protein genes and the small subunit of the ribulose-1,5-bisphosphate carboxylase (ssRUBISCO) gene. An example of a preferred 3' region is that from the ssRUBISCO gene from pea (E9), described in greater detail below.

The DNA constructs of the present invention also contain a structural coding sequence in double-stranded DNA form which encodes a glyphosate-tolerant, highly efficient Class II EPSPS enzyme.

**Identification of glyphosate-tolerant, highly efficient EPSPS enzymes**

In an attempt to identify and isolate glyphosate-tolerant, highly efficient EPSPS enzymes, kinetic analysis of the EPSPS enzymes from a number of bacteria exhibiting tolerance to glyphosate or that had been isolated from suitable sources was undertaken. It was discovered that in some cases the EPSPS enzymes showed no tolerance to inhibition by glyphosate and it was concluded that the tolerance phenotype of the bacterium was due to an impermeability to glyphosate or other factors. In a number of cases, however, microorganisms were identified whose EPSPS enzyme showed a greater degree of tolerance to inhibition by glyphosate and that displayed a low  $K_m$  for PEP when compared to that previously reported for other microbial and plant sources. The EPSPS enzymes from these microorganisms were then subjected to further study and analysis.

Table I displays the data obtained for the EPSPS enzymes identified and isolated as a result of the above described analysis. Table I includes data for three identified Class II EPSPS enzymes that were observed to have a high

tolerance to inhibition to glyphosate and a low  $K_m$  for PEP as well as data for the native Petunia EPSPS and a glyphosate-tolerant variant of the Petunia EPSPS referred to as GA101. The GA101 variant is so named because it exhibits the substitution of an alanine residue for a glycine residue at position 101 (with respect to Petunia). When the change introduced into the Petunia EPSPS (GA101) was introduced into a number of other EPSPS enzymes, similar changes in kinetics were observed, an elevation of the  $K_i$  for glyphosate and of the  $K_m$  for PEP.

**Table I Kinetic characterization of EPSPS enzymes**

ENZYME SOURCE	$K_m$ PEP ( $\mu$ M)	$K_i$ Glyphosate ( $\mu$ M)	$K_i/K_m$
Petunia	5	0.4	0.08
Petunia GA101	200	2000	10
PG2982	2.1-3.1 <sup>1</sup>	25-82	~8-40
LBAA	~7.3-82	60 (est) <sup>7</sup>	~7.9
CP4	123	2720	227
<i>B. subtilis</i> 1A2	134	440	33.8
<i>S. aureus</i>	55	200	40

- 1 Range of PEP tested = 1-40  $\mu$ M
- 2 Range of PEP tested = 5-80  $\mu$ M
- 3 Range of PEP tested = 1.5-40  $\mu$ M
- 4 Range of PEP tested = 1-60  $\mu$ M
- 5 Range of PEP tested = 1-50  $\mu$ M
- 7 (est) = estimated

The *Agrobacterium* sp. strain CP4 was initially identified by its ability to grow on glyphosate as a carbon source (10 mM) in the presence of 1 mM phosphate. The strain CP4 was identified from a collection obtained from a fixed-bed immobilized cell column that employed Mannville R-635 diatomaceous earth beads. The column had been run for three months on a

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waste-water feed from a glyphosate production plant. The column contained 50 mg/ml glyphosate and  $\text{NH}_3$  as  $\text{NH}_4\text{Cl}$ . Total organic carbon was 300 mg/ml and BOD's (Biological Oxygen Demand - a measure of "soft" carbon availability) were less than 30 mg/ml. This treatment column has been described (Heitkamp *et al.*, 1990). Dworkin-Foster minimal salts medium containing glyphosate at 10 mM and with phosphate at 1 mM was used to select for microbes from a wash of this column that were capable of growing on glyphosate as sole carbon source. Dworkin-Foster minimal medium was made up by combining in 1 liter (with autoclaved  $\text{H}_2\text{O}$ ), 1 ml each of A, B and C and 10 ml of D (as per below) and thiamine HCl (5 mg).

A. D-F Salts (1000X stock; per 100 ml; autoclaved):

$\text{H}_3\text{BO}_3$	1 mg
$\text{MnSO}_4 \cdot 7\text{H}_2\text{O}$	1 mg
$\text{ZnSO}_4 \cdot 7\text{H}_2\text{O}$	12.5 mg
$\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$	8 mg
$\text{NaMoO}_3 \cdot 3\text{H}_2\text{O}$	1.7 mg

- B.  $\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$  (1000X stock; per 100 ml; autoclaved) 0.1 g  
 C.  $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$  (1000X stock; per 100 ml; autoclaved) 20 g  
 D.  $(\text{NH}_4)_2\text{SO}_4$  (100X stock; per 100 ml; autoclaved) 20 g

Yeast Extract (YE; Difco) was added to a final concentration of 0.01 or 0.001%. The strain CP4 was also grown on media composed of D-F salts, amended as described above, containing glucose, gluconate and citrate (each at 0.1 %) as carbon sources and with inorganic phosphate (0.2 - 1.0 mM) as the phosphorous source.

Other Class II EPSPS containing microorganisms were identified as *Achromobacter* sp. strain LBAA (Hallas *et al.*, 1988), *Pseudomonas* sp. strain

PG2982 (Moore *et al.*, 1983; Fitzgibbon 1988), *Bacillus subtilis* 1A2 (Henner *et al.*, 1984) and *Staphylococcus aureus* (O'Connell *et al.*, 1993). It had been reported previously, from measurements in crude lysates, that the EPSPS enzyme from strain PG2982 was less sensitive to inhibition to glyphosate than that of *E. coli*, but there has been no report of the details of this lack of sensitivity and there has been no report on the  $K_m$  for PEP for this enzyme or of the DNA sequence for the gene for this enzyme (Fitzgibbon, 1988; Fitzgibbon and Braymer, 1990).

### Relationship of the Class II EPSPS to those previously studied

All EPSPS proteins studied to date have shown a remarkable degree of homology. For example, bacterial and plant EPSPS's are about 54% identical and with similarity as high as 80%. Within bacterial EPSPS's and plant EPSPS's themselves the degree of identity and similarity is much greater (see Table II).

**Table II Comparison between exemplary Class I EPSPS protein sequences<sup>1</sup>**

	<u>similarity</u>	<u>identity</u>
<i>E. coli</i> vs. <i>S. typhimurium</i>	93	88
<i>P. hybrida</i> vs. <i>E. coli</i>	72	55
<i>P. hybrida</i> vs. <i>L. esculentum</i>	93	88

<sup>1</sup> The EPSPS sequences compared here were obtained from the following references: *E. coli*, Rogers *et al.*, 1983; *S. typhimurium*, Stalker *et al.*, 1985; *Petunia hybrida*, Shah *et al.*, 1986; and tomato (*L. esculentum*), Gasser *et al.*, 1988.

When crude extracts of CP4 and LBAA bacteria (50 µg protein) were probed using rabbit anti-EPSPS antibody (Padgett *et al.*, 1987) to the *Petunia* EPSPS protein in a Western analysis, no positive signal could be detected, even with extended exposure times (Protein A - <sup>125</sup>I development system) and

under conditions where the control EPSPS (Petunia EPSPS, 20 ng; a Class I EPSPS) was readily detected. The presence of EPSPS activity in these extracts was confirmed by enzyme assay. This surprising result, indicating a lack of similarity between the EPSPS's from these bacterial isolates and those previously studied, coupled with the combination of a low  $K_m$  for PEP and a high  $K_i$  for glyphosate, illustrates that these new EPSPS enzymes are different from known EPSPS enzymes (now referred to as Class I EPSPS).

### Glyphosate-tolerant Enzymes in Microbial Isolates

For clarity and brevity of disclosure, the following description of the isolation of genes encoding Class II EPSPS enzymes is directed to the isolation of such a gene from a bacterial isolate. Those skilled in the art will recognize that the same or similar strategy can be utilized to isolate such genes from other microbial isolates, plant or fungal sources.

### Cloning of the *Agrobacterium* sp. strain CP4 EPSPS Gene(s) in *E. coli*

Having established the existence of a suitable EPSPS in *Agrobacterium* sp. strain CP4, two parallel approaches were undertaken to clone the gene: cloning based on the expected phenotype for a glyphosate-tolerant EPSPS; and purification of the enzyme to provide material to raise antibodies and to obtain amino acid sequences from the protein to facilitate the verification of clones. Cloning and genetic techniques, unless otherwise indicated, are generally those described in Maniatis *et al.*, 1982 or Sambrook *et al.*, 1987. The cloning strategy was as follows: introduction of a cosmid bank of strain *Agrobacterium* sp. strain CP4 into *E. coli* and selection for the EPSPS gene by selection for growth on inhibitory concentrations of glyphosate.

Chromosomal DNA was prepared from strain *Agrobacterium* sp. strain CP4 as follows: The cell pellet from a 200 ml L-Broth (Miller, 1972), late log phase culture of *Agrobacterium* sp. strain CP4 was resuspended in 10 ml of Solution I; 50 mM Glucose, 10 mM EDTA, 25 mM Tris -CL pH 8.0 (Birnboim

and Doly, 1979). SDS was added to a final concentration of 1% and the suspension was subjected to three freeze-thaw cycles, each consisting of immersion in dry ice for 15 minutes and in water at 70°C for 10 minutes. The lysate was then extracted four times with equal volumes of phenol:chloroform (1:1; phenol saturated with TE; TE = 10 mM Tris pH8.0; 1.0 mM EDTA) and the phases separated by centrifugation (15000g; 10 minutes). The ethanol-precipitable material was pelleted from the supernatant by brief centrifugation (8000g; 5 minutes) following addition of two volumes of ethanol. The pellet was resuspended in 5 ml TE and dialyzed for 16 hours at 4°C against 2 liters TE. This preparation yielded a 5 ml DNA solution of 552 µg/ml.

Partially-restricted DNA was prepared as follows. Three 100 µg aliquot samples of CP4 DNA were treated for 1 hour at 37°C with restriction endonuclease *Hind*III at rates of 4, 2 and 1 enzyme unit/µg DNA, respectively. The DNA samples were pooled, made 0.25 mM with EDTA and extracted with an equal volume of phenol:chloroform. Following the addition of sodium acetate and ethanol, the DNA was precipitated with two volumes of ethanol and pelleted by centrifugation (12000 g; 10 minutes). The dried DNA pellet was resuspended in 500 µl TE and layered on a 10-40% Sucrose gradient (in 5% increments of 5.5 ml each) in 0.5 M NaCl, 50 mM Tris pH8.0, 5 mM EDTA. Following centrifugation for 20 hours at 26,000 rpm in a SW28 rotor, the tubes were punctured and ~1.5 ml fractions collected. Samples (20 µl) of each second fraction were run on 0.7% agarose gel and the size of the DNA determined by comparison with linearized lambda DNA and *Hind*III-digested lambda DNA standards. Fractions containing DNA of 25-35 kb fragments were pooled, desalted on <sup>AMICON™ 10</sup> columns (7000 rpm; 20°C; 45 minutes) and concentrated by precipitation. This procedure yielded 15 µg of CP4 DNA of the required size. A cosmid bank was constructed using the vector pMON17020. This vector, a map of which is presented in Figure 2, is based on the pBR327 replicon and contains the spectinomycin/streptomycin (*Spr*;*spc*) resistance gene from Tn7 (Fling *et al.*, 1985), the chloramphenicol resistance gene

(Cmr;cat) from Tn9 (Alton *et al.*, 1979), the gene10 promoter region from phage T7 (Dunn *et al.*, 1983), and the 1.6 kb *Bgl*III phage lambda cos fragment from pHC79 (Hohn and Collins, 1980). A number of cloning sites are located downstream of the *cat* gene. Since the predominant block to the expression of genes from other microbial sources in *E. coli* appears to be at the level of transcription, the use of the T7 promoter and supplying the T7 polymerase *in trans* from the pGP1-2 plasmid (Tabor and Richardson, 1985), enables the expression of large DNA segments of foreign DNA, even those containing RNA polymerase transcription termination sequences. The expression of the *spc* gene is impaired by transcription from the T7 promoter such that only Cmr can be selected in strains containing pGP1-2. The use of antibiotic resistances such as Cm resistance which do not employ a membrane component is preferred due to the observation that high level expression of resistance genes that involve a membrane component, i.e.  $\beta$ -lactamase and Amp resistance, give rise to a glyphosate-tolerant phenotype. Presumably, this is due to the exclusion of glyphosate from the cell by the membrane localized resistance protein. It is also preferred that the selectable marker be oriented in the same direction as the T7 promoter.

The vector was then cut with *Hind*III and treated with calf alkaline phosphatase (CAP) in preparation for cloning. Vector and target sequences were ligated by combining the following:

Vector DNA ( <i>Hind</i> III/CAP)	3 $\mu$ g
Size fractionated CP4 <i>Hind</i> III fragments	1.5 $\mu$ g
10X ligation buffer	2.2 $\mu$ l
T4 DNA ligase (New England Biolabs) (400 U/ $\mu$ l)	1.0 $\mu$ l

and adding H<sub>2</sub>O to 22.0  $\mu$ l. This mixture was incubated for 18 hours at 16°C. 10X ligation buffer is 250 mM Tris-HCl, pH 8.0; 100 mM MgCl<sub>2</sub>; 100 mM Dithiothreitol; 2 mM Spermidine. The ligated DNA (5  $\mu$ l) was packaged into

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lambda phage particles (Stratagene; Gigapack Gold) using the manufacturer's procedure.

A sample (200  $\mu$ l) of *E. coli* HB101 (Boyer and Rolland-Dussoix, 1973) containing the T7 polymerase expression plasmid pGP1-2 (Tabor and Richardson, 1985) and grown overnight in L-Broth (with maltose at 0.2% and kanamycin at 50  $\mu$ g/ml) was infected with 50  $\mu$ l of the packaged DNA. Transformants were selected at 30°C on M9 (Miller, 1972) agar containing kanamycin (50  $\mu$ g/ml), chloramphenicol (25  $\mu$ g/ml), L-proline (50  $\mu$ g/ml), L-leucine (50  $\mu$ g/ml) and B1 (5  $\mu$ g/ml), and with glyphosate at 3.0 mM. Aliquot samples were also plated on the same media lacking glyphosate to titer the packaged cosmids. Cosmid transformants were isolated on this latter medium at a rate of  $\sim 5 \times 10^5$  per  $\mu$ g CP4 *Hind*III DNA after 3 days at 30°C. Colonies arose on the glyphosate agar from day 3 until day 15 with a final rate of  $\sim 1$  per 200 cosmids. DNA was prepared from 14 glyphosate-tolerant clones and, following verification of this phenotype, was transformed into *E. coli* GB100/pGP1-2 (*E. coli* GB100 is an *aroA* derivative of MM294 [Talmadge and Gilbert, 1980]) and tested for complementation for growth in the absence of added aromatic amino acids and aminobenzoic acids. Other *aroA* strains such as SR481 (Bachman *et al.*, 1980; Padgett *et al.*, 1987), could be used and would be suitable for this experiment. The use of GB100 is merely exemplary and should not be viewed in a limiting sense. This *aroA* strain usually requires that growth media be supplemented with L-phenylalanine, L-tyrosine and L-tryptophan each at 100  $\mu$ g/ml and with para-hydroxybenzoic acid, 2,3-dihydroxybenzoic acid and para-aminobenzoic acid each at 5  $\mu$ g/ml for growth in minimal media. Of the fourteen cosmids tested only one showed complementation of the *aroA*- phenotype. Transformants of this cosmid, pMON17076, showed weak but uniform growth on the unsupplemented minimal media after 10 days.

The proteins encoded by the cosmids were determined *in vivo* using a T7 expression system (Tabor and Richardson, 1985). Cultures of *E. coli* containing

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pGP1-2 (Tabor and Richardson, 1985) and test and control cosmids were grown at 30°C in L-broth (2 ml) with chloramphenicol and kanamycin (25 and 50 µg/ml, respectively) to a Klett reading of ~ 50. An aliquot was removed and the cells collected by centrifugation, washed with M9 salts (Miller, 1972) and resuspended in 1 ml M9 medium containing glucose at 0.2%, thiamine at 20 µg/ml and containing the 18 amino acids at 0.01% (minus cysteine and methionine). Following incubation at 30°C for 90 minutes, the cultures were transferred to a 42°C water bath and held there for 15 minutes. Rifampicin (Sigma) was added to 200 µg/ml and the cultures held at 42°C for 10 additional minutes and then transferred to 30°C for 20 minutes. Samples were pulsed with 10 µCi of <sup>35</sup>S-methionine for 5 minutes at 30°C. The cells were collected by centrifugation and suspended in 60-120 µl cracking buffer (60 mM Tris-HCl 6.8, 1% SDS, 1% 2-mercaptoethanol, 10% glycerol, 0.01% bromophenol blue). Aliquot samples were electrophoresed on 12.5% SDS-PAGE and following soaking for 60 minutes in 10 volumes of Acetic Acid-Methanol-water (10:30:60), the gel was soaked in ENLIGHTNING™ (DUPONT) following manufacturer's directions, dried, and exposed at -70°C to X-Ray film. Proteins of about 45 kd in size, labeled with <sup>35</sup>S-methionine, were detected in number of the cosmids, including pMON17076.

#### Purification of EPSPS from *Agrobacterium* sp. strain CP4

All protein purification procedures were carried out at 3-5°C. EPSPS enzyme assays were performed using either the phosphate release or radioactive HPLC method, as previously described in Padgett *et al.*, 1987, using 1 mM phosphoenol pyruvate (PEP, Boehringer) and 2 mM shikimate-3-phosphate (S3P) substrate concentrations. For radioactive HPLC assays, <sup>14</sup>C-PEP (Amersham) was utilized. S3P was synthesized as previously described in Wibbenmeyer *et al.* 1988. N-terminal amino acid sequencing was performed by loading samples onto a Polybrene precycled filter in aliquots while drying. Automated Edman degradation chemistry was used to determine the N-

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terminal protein sequence, using an Applied Biosystems Model 470A gas phase sequencer (Hunkapiller *et al.*, 1983) with an Applied Biosystems 120A PTH analyzer.

Five 10-litre fermentations were carried out on a spontaneous "smooth" isolate of strain CP4 that displayed less clumping when grown in liquid culture. This reduced clumping and smooth colony morphology may be due to reduced polysaccharide production by this isolate. In the following section dealing with the purification of the EPSPS enzyme, CP4 refers to the "smooth" isolate - CP4-S1. The cells from the three batches showing the highest specific activities were pooled. Cell paste of *Agrobacterium* sp. CP4 (300 g) was washed twice with 0.5 L of 0.9% saline and collected by centrifugation (30 minutes, 8000 rpm in a GS3 Sorvall rotor). The cell pellet was suspended in 0.9 L extraction buffer (100 mM TrisCl, 1 mM EDTA, 1 mM BAM (Benzamidine), 5 mM DTT, 10% glycerol, pH 7.5) and lysed by 2 passes through a Manton Gaulin cell. The resulting solution was centrifuged (30 minutes, 8000 rpm) and the supernatant was treated with 0.21 L of 1.5% protamine sulfate (in 100 mM TrisCl, pH 7.5, 0.2% w/v final protamine sulfate concentration). After stirring for 1 hour, the mixture was centrifuged (50 minutes, 8000 rpm) and the resulting supernatant treated with solid ammonium sulfate to 40% saturation and stirred for 1 hour. After centrifugation (50 minutes, 8000 rpm), the resulting supernatant was treated with solid ammonium sulfate to 70% saturation, stirred for 50 minutes, and the insoluble protein was collected by centrifugation (1 hour, 8000 rpm). This 40-70% ammonium sulfate fraction was then dissolved in extraction buffer to give a final volume of 0.2 L, and dialyzed twice (Spectrum 10,000 MW cutoff dialysis tubing) against 2 L of extraction buffer for a total of 12 hours.

To the resulting dialyzed 40-70% ammonium sulfate fraction (0.29 L) was added solid ammonium sulfate to give a final concentration of 1 M. This material was loaded (2 ml/min) onto a column (5 cm x 15 cm, 295 ml) packed with phenyl Sepharose CL-4B (Pharmacia) resin equilibrated with extraction

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buffer containing 1 M ammonium sulfate, and washed with the same buffer (1.5 L, 2 ml/min). EPSPS was eluted with a linear gradient of extraction buffer going from 1 M to 0.00 M ammonium sulfate (total volume of 1.5 L, 2 ml/min). Fractions were collected (20 ml) and assayed for EPSPS activity by the phosphate release assay. The fractions with the highest EPSPS activity (fractions 36-50) were pooled and dialyzed against 3 x 2 L (18 hours) of 10 mM TrisCl, 25 mM KCl, 1 mM EDTA, 5 mM DTT, 10% glycerol, pH 7.8.

The dialyzed EPSPS extract (350 ml) was loaded (5 ml/min) onto a column (2.4 cm x 30 cm, 136 ml) packed with Q-<sup>SEPHAROSE™</sup> Sepharose Fast Flow (Pharmacia) resin equilibrated with 10 mM TrisCl, 25 mM KCl, 5 mM DTT, 10% glycerol, pH 7.8 (Q <sup>SEPHAROSE™</sup> Sepharose buffer), and washed with 1 L of the same buffer. EPSPS was eluted with a linear gradient of Q <sup>SEPHAROSE™</sup> Sepharose buffer going from 0.025 M to 0.40 M KCl (total volume of 1.4 L, 5 ml/min). Fractions were collected (15 ml) and assayed for EPSPS activity by the phosphate release assay. The fractions with the highest EPSPS activity (fractions 47-60) were pooled and the protein was precipitated by adding solid ammonium sulfate to 80% saturation and stirring for 1 hour. The precipitated protein was collected by centrifugation (20 minutes, 12000 rpm in a GSA Sorvall rotor), dissolved in Q <sup>SEPHAROSE™</sup> Sepharose buffer (total volume of 14 ml), and dialyzed against the same buffer (2 x 1 L, 18 hours).

The resulting dialyzed partially purified EPSPS extract (19 ml) was loaded (1.7 ml/min) onto a <sup>MONO Q™</sup> Mono Q 10/10 column (Pharmacia) equilibrated with Q <sup>SEPHAROSE™</sup> Sepharose buffer, and washed with the same buffer (35 ml). EPSPS was eluted with a linear gradient of 0.025 M to 0.35 M KCl (total volume of 119 ml, 1.7 ml/min). Fractions were collected (1.7 ml) and assayed for EPSPS activity by the phosphate release assay. The fractions with the highest EPSPS activity (fractions 30-37) were pooled (6 ml).

The <sup>MONO Q™</sup> Mono Q pool was made 1 M in ammonium sulfate by the addition of solid ammonium sulfate and 2 ml aliquots were chromatographed on a <sup>SUPEROSE™ 5/5</sup> Phenyl Superose 5/5 column (Pharmacia) equilibrated with 100 mM TrisCl, 5 mM

DTT, 1 M ammonium sulfate, 10% glycerol, pH 7.5 (Phenyl <sup>SUPEROSE™</sup> Superose buffer). Samples were loaded (1 ml/min), washed with Phenyl <sup>SUPEROSE™</sup> Superose buffer (10 ml), and eluted with a linear gradient of Phenyl <sup>SUPEROSE™</sup> Superose buffer going from 1 M to 0.00 M ammonium sulfate (total volume of 60 ml, 1 ml/min). Fractions were collected (1 ml) and assayed for EPSPS activity by the phosphate release assay. The fractions from each run with the highest EPSPS activity (fractions ~36-40) were pooled together (10 ml, 2.5 mg protein). For N-terminal amino acid sequence determination, a portion of one fraction (#39 from run 1) was dialyzed against 50 mM NaHCO<sub>3</sub> (2 x 1 L). The resulting pure EPSPS sample (0.9 ml, 77 µg protein) was found to exhibit a single N-terminal amino acid sequence of:

XH(G)ASSRPATARKSS(G)LX(G)(T)V(R)IPG(D)(K)(M) (SEQ ID NO:18).

The remaining Phenyl <sup>SUPEROSE™</sup> Superose EPSPS pool was dialyzed against 50 mM TrisCl, 2 mM DTT, 10 mM KCl, 10% glycerol, pH 7.5 (2 x 1 L). An aliquot (0.55 ml, 0.61 mg protein) was loaded (1 ml/min) onto a <sup>MUNO 3™</sup> Mono Q 5/5 column (Pharmacia) equilibrated with Q <sup>SEPHAROSE™</sup> Sepharose buffer, washed with the same buffer (5 ml), and eluted with a linear gradient of Q <sup>SEPHAROSE™</sup> Sepharose buffer going from 0-0.14 M KCl in 10 minutes, then holding at 0.14 M KCl (1 ml/min). Fractions were collected (1 ml) and assayed for EPSPS activity by the phosphate release assay and were subjected to SDS-PAGE (10-15%, Phast System, Pharmacia, with silver staining) to determine protein purity. Fractions exhibiting a single band of protein by SDS-PAGE (22-25, 222 µg) were pooled and dialyzed against 100 mM ammonium bicarbonate, pH 8.1 (2 x 1 L, 9 hours).

#### Trypsinolysis and peptide sequencing of *Agrobacterium* sp strain CP4 EPSPS

To the resulting pure *Agrobacterium* sp. strain CP4 EPSPS (111 µg) was added 3 µg of trypsin (Calbiochem), and the trypsinolysis reaction was

allowed to proceed for 16 hours at 37°C. The tryptic digest was then chromatographed (1ml/min) on a C18 reverse phase HPLC column (Vydac) as previously described in Padgett *et al.*, 1988 for *E. coli* EPSPS. For all peptide purifications, 0.1% trifluoroacetic acid (TFA, Pierce) was designated buffer "RP-A" and 0.1% TFA in acetonitrile was buffer "RP-B". The gradient used for elution of the trypsinized *Agrobacterium* sp. CP4 EPSPS was: 0-8 minutes, 0% RP-B; 8-28 minutes, 0-15% RP-B; 28-40 minutes, 15-21% RP-B; 40-68 minutes, 21-49% RP-B; 68-72 minutes, 49-75% RP-B; 72-74 minutes, 75-100% RP-B. Fractions were collected (1 ml) and, based on the elution profile at 210 nm, at least 70 distinct peptides were produced from the trypsinized EPSPS. Fractions 40-70 were evaporated to dryness and redissolved in 150 µl each of 10% acetonitrile, 0.1% trifluoroacetic acid.

The fraction 61 peptide was further purified on the C18 column by the gradient: 0-5 minutes, 0% RP-B; 5-10 minutes, 0-38% RP-B; 10-30 minutes, 38-45% B. Fractions were collected based on the UV signal at 210 nm. A large peptide peak in fraction 24 eluted at 42% RP-B and was dried down, resuspended as described above, and rechromatographed on the C18 column with the gradient: 0-5 minutes, 0% RP-B; 5-12 min, 0-38% RP-B; 12-15 min, 38-39% RP-B; 15-18 minutes, 39% RP-B; 18-20 minutes, 39-41% RP-B; 20-24 minutes, 41% RP-B; 24-28 minutes, 42% RP-B. The peptide in fraction 25, eluting at 41% RP-B and designated peptide 61-24-25, was subjected to N-terminal amino acid sequencing, and the following sequence was determined:

APSM(I)(D)EYPILAV (SEQ ID NO:19)

The CP4 EPSPS fraction 53 tryptic peptide was further purified by C18 HPLC by the gradient 0% B (5 minutes), 0-30% B (5-17 minutes), 30-40% B (17-37 minutes). The peptide in fraction 28, eluting at 34% B and designated peptide 53-28, was subjected to N-terminal amino acid sequencing, and the following sequence was determined:

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ITGLLEGEDVINTGK (SEQ ID NO:20).

In order to verify the CP4 EPSPS cosmid clone, a number of oligonucleotide probes were designed on the basis of the sequence of two of the tryptic sequences from the CP4 enzyme (Table III). The probe identified as MID was very low degeneracy and was used for initial screening. The probes identified as EDV-C and EDV-T were based on the same amino acid sequences and differ in one position (underlined in Table III below) and were used as confirmatory probes, with a positive to be expected only from one of these two probes. In the oligonucleotides below, alternate acceptable nucleotides at a particular position are designated by a "/" such as A/C/T.

**Table III Selected CP4 EPSPS peptide sequences and DNA probes**

PEPTIDE 61-24-25 APSM(I)(D)EYPILAV	(SEQ ID NO:19)
Probe MID; 17-mer; mixed probe; 24-fold degenerate	
ATGATA/C/TGAC/TGAG/ATAC/TCC	(SEQ ID NO:21)
PEPTIDE 53-28 ITGLLEGEDVINTGK (SEQ ID NO:20)	
Probe EDV-C; 17-mer; mixed probe; 48-fold degenerate	
GAA/GGAC/TGTA/C/G/TATA/C/TAA <u>C</u> AC	(SEQ ID NO:22)
Probe EDV-T; 17-mer; mixed probe; 48-fold degenerate	
GAA/GGAC/TGTA/C/G/TATA/C/TAAT <u>A</u> C	(SEQ ID NO:23)

The probes were labeled using gamma-<sup>32</sup>P-ATP and polynucleotide kinase. DNA from fourteen of the cosmids described above was restricted with *Eco*RI, transferred to membrane and probed with the oligonucleotide probes. The conditions used were as follows: prehybridization was carried out in 6X SSC, 10X Denhardt's for 2-18 hour periods at 60°C, and hybridization was for 48-72 hours in 6X SSC, 10X Denhardt's, 100 µg/ml tRNA at 10°C below the T<sub>d</sub> for the probe. The T<sub>d</sub> of the probe was approximated by the formula 2°C x

(A+T) + 4°C x (G+C). The filters were then washed three times with 6X SSC for ten minutes each at room temperature, dried and autoradiographed. Using the MID probe, an ~9.9 kb fragment in the pMON17076 cosmid gave the only positive signal. This cosmid DNA was then probed with the EDV-C (SEQ ID NO:22) and EDV-T (SEQ ID NO:23) probes separately and again this ~9.9 kb band gave a signal and only with the EDV-T probe.

The combined data on the glyphosate-tolerant phenotype, the complementation of the *E. coli aroA*- phenotype, the expression of a ~45 Kd protein, and the hybridization to two probes derived from the CP4 EPSPS amino acid sequence strongly suggested that the pMON17076 cosmid contained the EPSPS gene.

#### Localization and subcloning of the CP4 EPSPS gene

The CP4 EPSPS gene was further localized as follows: a number of additional Southern analyses were carried out on different restriction digests of pMON17076 using the MID (SEQ ID NO:21) and EDV-T (SEQ ID NO:23) probes separately. Based on these analyses and on subsequent detailed restriction mapping of the pBlueScript (Stratagene) subclones of the ~9.9 kb fragment from pMON17076, a 3.8 kb *EcoRI-SalI* fragment was identified to which both probes hybridized. This analysis also showed that MID (SEQ ID NO:21) and EDV-T (SEQ ID NO:23) probes hybridized to different sides of *Bam*HI, *Cla*I, and *Sac*II sites. This 3.8 kb fragment was cloned in both orientations in pBlueScript to form pMON17081 and pMON17082. The phenotypes imparted to *E. coli* by these clones were then determined. Glyphosate tolerance was determined following transformation into *E. coli* MM294 containing pGP1-2 (pBlueScript also contains a T7 promoter) on M9 agar media containing glyphosate at 3 mM. Both pMON17081 and pMON17082 showed glyphosate-tolerant colonies at three days at 30°C at about half the size of the controls on the same media lacking glyphosate. This result suggested that the 3.8 kb fragment contained an intact EPSPS gene.

The apparent lack of orientation-dependence of this phenotype could be explained by the presence of the T7 promoter at one side of the cloning sites and the *lac* promoter at the other. The *aroA* phenotype was determined in transformants of *E. coli* GB100 on M9 agar media lacking aromatic supplements. In this experiment, carried out with and without the *Plac* inducer IPTG, pMON17082 showed much greater growth than pMON17081, suggesting that the EPSPS gene was expressed from the *SalI* site towards the *EcoRI* site.

Nucleotide sequencing was begun from a number of restriction site ends, including the *Bam*HI site discussed above. Sequences encoding protein sequences that closely matched the N-terminus protein sequence and that for the tryptic fragment 53-28 (SEQ ID NO:20) (the basis of the EDV-T probe) (SEQ ID NO:23) were localized to the *SalI* side of this *Bam*HI site. These data provided conclusive evidence for the cloning of the CP4 EPSPS gene and for the direction of transcription of this gene. These data coupled with the restriction mapping data also indicated that the complete gene was located on an ~2.3 kb *Xho*I fragment and this fragment was subcloned into pBlueScript. The nucleotide sequence of almost 2 kb of this fragment was determined by a combination of sequencing from cloned restriction fragments and by the use of specific primers to extend the sequence. The nucleotide sequence of the CP4 EPSPS gene and flanking regions is shown in Figure 3 (SEQ ID NO:2). The sequence corresponding to peptide 61-24-25 (SEQ ID NO:19) was also located. The sequence was determined using both the SEQUENASE™ kit from IBI (International Biotechnologies Inc.) and the T7 sequencing/Deaza Kit from Pharmacia.

That the cloned gene encoded the EPSPS activity purified from the *Agrobacterium* sp. strain CP4 was verified in the following manner: By a series of site directed mutageneses, *Bgl*II and *Nco*I sites were placed at the N-terminus with the fMet contained within the *Nco*I recognition sequence, the first internal *Nco*I site was removed (the-second internal *Nco*I site was

removed later), and a *SacI* site was placed after the stop codons. At a later stage the internal *NotI* site was also removed by site-directed mutagenesis. The following list includes the primers for the site-directed mutagenesis (addition or removal of restriction sites) of the CP4 EPSPS gene. Mutagenesis was carried out by the procedures of Kunkel et al. (1987), essentially as described in Sambrook et al. (1989).

PRIMER BgNc (addition of *BglII* and *NcoI* sites to N-terminus)  
CGTGGATAGATCTAGGAAGACAACCATGGCTCACGGTC  
(SEQ ID NO:24)

PRIMER Sph2 (addition of *SphI* site to N-terminus)  
GGATAGATTAAGGAAGACGCGCATGCTTCACGGTGCAAGCAGCC  
(SEQ ID NO:25)

PRIMER S1 (addition of *SacI* site immediately after stop codons)  
GGCTGCCTGATGAGCTCCACAATCGCCATCGATGG  
(SEQ ID NO:26)

PRIMER N1 (removal of internal *NotI* recognition site)  
CGTCGCTCGTCGTGCGTGGCCGCCCTGACGGC  
(SEQ ID NO:27)

PRIMER Nco1 (removal of first internal *NcoI* recognition site)  
CGGGCAAGGCCATGCAGGCTATGGGCGCC  
(SEQ ID NO:28)

PRIMER Nco2 (removal of second internal *NcoI* recognition site)  
CGGGCTGCCGCCTGACTATGGGCCTCGTCGG  
(SEQ ID NO:29)

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This CP4 EPSPS gene was then cloned as a *NcoI*-*Bam*HI N-terminal fragment plus a *Bam*HI-*SacI* C-terminal fragment into a *PrecA-gene10L* expression vector similar to those described (Wong et al., 1988; Olins et al., 1988) to form pMON17101. The  $K_m$  for PEP and the  $K_i$  for glyphosate were determined for the EPSPS activity in crude lysates of pMON17101/GB100 transformants following induction with nalidixic acid (Wong et al., 1988) and found to be the same as that determined for the purified and crude enzyme preparations from *Agrobacterium* sp. strain CP4.

**Characterization of the EPSPS gene from *Achromobacter* sp. strain LBAA and from *Pseudomonas* sp. strain PG2982**

A cosmid bank of partially *Hind*III-restricted LBAA DNA was constructed in *E. coli* MM294 in the vector pHC79 (Hohn and Collins, 1980). This bank was probed with a full length CP4 EPSPS gene probe by colony hybridization and positive clones were identified at a rate of ~1 per 400 cosmids. The LBAA EPSPS gene was further localized in these cosmids by Southern analysis. The gene was located on an ~2.8 kb *Xho*I fragment and by a series of sequencing steps, both from restriction fragment ends and by using the oligonucleotide primers from the sequencing of the CP4 EPSPS gene, the nucleotide sequence of the LBAA EPSPS gene was completed and is presented in Figure 4 (SEQ ID NO:4).

The EPSPS gene from PG2982 was also cloned. The EPSPS protein was purified, essentially as described for the CP4 enzyme, with the following differences: Following the <sup>SEPHAROSE™</sup> Sepharose CL-4B column, the fractions with the highest EPSPS activity were pooled and the protein precipitated by adding solid ammonium sulfate to 85% saturation and stirring for 1 hour. The precipitated <sup>SEPHAROSE™</sup> protein was collected by centrifugation, resuspended in Q Sepharose buffer and following dialysis against the same buffer was loaded

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Approximately 1.0 mg of protein from the active fractions of the Phenyl Superose 10/10 column was loaded onto a Pharmacia Mono P 5/10 Chromatofocusing column with a flow rate of 0.75 ml/minutes. The starting buffer was 25 mM bis-Tris at pH 6.3, and the column was eluted with 39 ml of Polybuffer 74, pH 4.0. Approximately 50 µg of the peak fraction from the Chromatofocusing column was dialyzed into 25 mM ammonium bicarbonate. This sample was then used to determine the N-terminal amino acid sequence.

The N-terminal sequence obtained was:

**XHSASPKPATARRSE (where X = an unidentified residue)**  
**(SEQ ID NO:30)**

A number of degenerate oligonucleotide probes were designed based on this sequence and used to probe a library of PG2982 partial-*HindIII* DNA in the cosmid pHC79 (Hohn and Collins, 1980) by colony hybridization under nonstringent conditions. Final washing conditions were 15 minutes with 1X SSC, 0.1% SDS at 55°C. One probe with the sequence GCGGTBGCSSGGYTTSGG (where B = C, G, or T; S = C or G, and Y = C or T) (SEQ ID NO:31) identified a set of cosmid clones.

The cosmid set identified in this way was made up of cosmids of diverse *Hind*III fragments. However, when this set was probed with the CP4 EPSPS gene probe, a cosmid containing the PG2982 EPSPS gene was identified (designated as cosmid 9C1 originally and later as pMON20107). By a series of restriction mappings and Southern analysis this gene was localized to a ~2.8

kb *Xho*I fragment and the nucleotide sequence of this gene was determined. This DNA sequence (SEQ ID NO:6) is shown in Figure 5. There are no nucleotide differences between the EPSPS gene sequences from LBAA (SEQ ID NO:4) and PG2982 (SEQ ID NO:6). The kinetic parameters of the two enzymes are within the range of experimental error.

A gene from PG2982 that imparts glyphosate tolerance in *E. coli* has been sequenced (Fitzgibbon, 1988; Fitzgibbon and Braymer, 1990). The sequence of the PG2982 EPSPS Class II gene shows no homology to the previously reported sequence suggesting that the glyphosate-tolerant phenotype of the previous work is not related to EPSPS.

#### **Characterization of the EPSPS from *Bacillus subtilis***

*Bacillus subtilis* 1A2 (prototroph) was obtained from the *Bacillus* Genetic Stock Center at Ohio State University. Standard EPSPS assay reactions contained crude bacterial extract with, 1 mM phosphoenolpyruvate (PEP), 2 mM shikimate-3-phosphate (S3P), 0.1 mM ammonium molybdate, 5 mM potassium fluoride, and 50 mM HEPES, pH 7.0 at 25°C. One unit (U) of EPSPS activity is defined as one  $\mu$ mol EPSP formed per minute under these conditions. For kinetic determinations, reactions contained crude bacterial, 2 mM S3P, varying concentrations of PEP, and 50 mM HEPES, pH 7.0 at 25°C. The EPSPS specific activity was found to be 0.003 U/mg. When the assays were performed in the presence of 1 mM glyphosate, 100% of the EPSPS activity was retained. The  $\text{app}K_m(\text{PEP})$  of the *B. subtilis* EPSPS was determined by measuring the reaction velocity at varying concentrations of PEP. The results were analyzed graphically by the hyperbolic, Lineweaver-Burk and Eadie-Hofstee plots, which yielded  $\text{app}K_m(\text{PEP})$  values of 15.3  $\mu$ M, 10.8  $\mu$ M and 12.2  $\mu$ M, respectively. These three data treatments are in good agreement, and yield an average value for  $\text{app}K_m(\text{PEP})$  of 13  $\mu$ M. The  $\text{app}K_i(\text{glyphosate})$  was estimated by determining the reaction rates of *B. subtilis* 1A2 EPSPS in the presence of several concentrations of glyphosate, at

a PEP concentration of 2  $\mu$ M. These results were compared to the calculated  $V_{\max}$  of the EPSPS, and making the assumption that glyphosate is a competitive inhibitor versus PEP for *B. subtilis* EPSPS, as it is for all other characterized EPSPSs, an  $\text{app}K_i(\text{glyphosate})$  was determined graphically. The  $\text{app}K_i(\text{glyphosate})$  was found to be 0.44 mM.

The EPSPS expressed from the *B. subtilis aroE* gene described by Henner *et al.* (1986) was also studied. The source of the *B. subtilis aroE* (EPSPS) gene was the *E. coli* plasmid-bearing strain ECE13 (original code = MM294[p trp100]; Henner, *et al.*, 1984; obtained from the *Bacillus* Genetic Stock Center at Ohio State University; the culture genotype is [pBR322 trp100] Ap [in MM294] [pBR322::6 kb insert with trpFBA-hisH]). Two strategies were taken to express the enzyme in *E. coli* GB100 (*aroA*<sup>-</sup>): 1) the gene was isolated by PCR and cloned into an overexpression vector, and 2) the gene was subcloned into an overexpression vector. For the PCR cloning of the *B. subtilis aroE* from ECE13, two oligonucleotides were synthesized which incorporated two restriction enzyme recognition sites (*Nde*I and *Eco*RI) to the sequences of the following oligonucleotides:

GGAACATATGAAACGAGATAAGGTGCAG (SEQ ID NO:45)

GGAATTCAAACCTTCAGGATCTTGAGATAGAAAATG (SEQ ID NO:46)

The other approach to the isolation of the *B. subtilis aroE* gene, subcloning from ECE13 into pUC118, was performed as follows:

- (i) Cut ECE13 and pUC with *Xma*I and *Sph*I.
- (ii) Isolate 1700bp *aroE* fragment and 2600bp pUC118 vector fragment.
- (iii) Ligate fragments and transform into GB100.

The subclone was designated pMON21133 and the PCR-derived clone was named pMON21132. Clones from both approaches were first confirmed for

complementation of the *aroA* mutation in *E. coli* GB100. The cultures exhibited EPSPS specific activities of 0.044 U/mg and 0.71 U/mg for the subclone (pMON21133) and PCR-derived clone (pMON21132) enzymes, respectively. These specific activities reflect the expected types of expression levels of the two vectors. The *B. subtilis* EPSPS was found to be 88% and 100% resistant to inhibition by 1 mM glyphosate under these conditions for the subcloned (pMON21133) and PCR-derived (pMON21132) enzymes, respectively. The  $\text{appK}_m(\text{PEP})$  and the  $\text{appK}_i(\text{glyphosate})$  of the subcloned *B. subtilis* EPSPS (pMON21133) were determined as described above. The data were analyzed graphically by the same methods used for the 1A2 isolate, and the results obtained were comparable to those reported above for *B. subtilis* 1A2 culture.

#### Characterization of the EPSPS gene from *Staphylococcus aureus*

The kinetic properties of the *S. aureus* EPSPS expressed in *E. coli* were determined, including the specific activity, the  $\text{appK}_m(\text{PEP})$ , and the  $\text{appK}_i(\text{glyphosate})$ . The *S. aureus* EPSPS gene has been previously described (O'Connell *et al.*, 1993)

The strategy taken for the cloning of the *S. aureus* EPSPS was polymerase chain reaction (PCR), utilizing the known nucleotide sequence of the *S. aureus aroA* gene encoding EPSPS (O'Connell *et al.*, 1993). The *S. aureus* culture (ATCC 35556) was fermented in an M2 facility in three 250 mL shake flasks containing 55 mL of TYE (tryptone 5g/L, yeast extract 3 g/L, pH 6.8). The three flasks were inoculated with 1.5 mL each of a suspension made from freeze dried ATCC 35556 *S. aureus* cells in 90 mL of PBS (phosphate-buffered saline) buffer. Flasks were incubated at 30°C for 5 days while shaking at 250 rpm. The resulting cells were lysed (boiled in TE [tris/EDTA] buffer for 8 minutes) and the DNA utilized for PCR reactions. The EPSPS gene was amplified using PCR and engineered into an *E. coli* expression vector as follows:

- (i) two oligonucleotides were synthesized which incorporated two restriction enzyme recognition sites (NcoI and SacI) to the sequences of the oligonucleotides:

GGGGCCATGGTAAATGAACAAATCATTG (SEQ ID NO:47)

GGGGGAGCTCATTATCCCTCATTTTGTAAAAGC (SEQ ID NO:48)

- (ii) The purified, PCR-amplified *aroA* gene from *S. aureus* was digested using NcoI and SacI enzymes.
- (iii) DNA of pMON 5723, which contains a pRecA bacterial promoter and Gene10 leader sequence (Olins *et al.*, 1988) was digested NcoI and SacI and the 3.5 kb digestion product was purified.
- (iv) The *S. aureus* PCR product and the NcoI / SacI pMON 5723 fragment were ligated and transformed into *E. coli* JM101 competent cells.
- (v) Two spectinomycin-resistant *E. coli* JM101 clones from above (SA#2 and SA#3) were purified and transformed into a competent *aroA*- *E. coli* strain, GB100

For complementation experiments SAGB#2 and SAGB#3 were utilized, which correspond to SA#2 and SA#3, respectively, transformed into *E. coli* GB100. In addition, *E. coli* GB100 (negative control) and pMON 9563 (*wt* petunia EPSPS, positive control) were tested for *AroA* complementation. The organisms were grown in minimal media plus and minus aromatic amino acids. Later analyses showed that the SA#2 and SA#3 clones were identical, and they were assigned the plasmid identifier pMON21139.

SAGB#2 in *E. coli* GB100 (pMON21139) was also grown in M9 minimal media and induced with nalidixic acid. A negative control, *E. coli* GB100, was grown under identical conditions except the media was supplemented with

aromatic amino acids. The cells were harvested, washed with 0.9% NaCl, and frozen at  $-80^{\circ}\text{C}$ , for extraction and EPSPS analysis.

The frozen pMON21139 *E. coli* GB100 cell pellet from above was extracted and assayed for EPSPS activity as previously described. EPSPS assays were performed using 1 mM phosphoenolpyruvate (PEP), 2 mM shikimate-3-phosphate (S3P), 0.1 mM ammonium molybdate, 5 mM potassium fluoride, pH 7.0,  $25^{\circ}\text{C}$ . The total assay volume was 50  $\mu\text{L}$ , which contained 10  $\mu\text{L}$  of the undiluted desalted extract.

The results indicate that the two clones contain a functional *aroA*/EPSPS gene since they were able to grow in minimal media which contained no aromatic amino acids. As expected, the GB100 culture did not grow on minimal medium without aromatic amino acids (since no functional EPSPS is present), and the pMON9563 did confer growth in minimal media. These results demonstrated the successful cloning of a functional EPSPS gene from *S. aureus*. Both clones tested were identical, and the *E. coli* expression vector was designated pMON21139.

The plasmid pMON21139 in *E. coli* GB100 was grown in M9 minimal media and was induced with nalidixic acid to induce EPSPS expression driven from the RecA promoter. A desalted extract of the intracellular protein was analyzed for EPSPS activity, yielding an EPSPS specific activity of 0.005  $\mu\text{mol}/\text{min mg}$ . Under these assay conditions, the *S. aureus* EPSPS activity was completely resistant to inhibition by 1 mM glyphosate. Previous analysis had shown that *E. coli* GB100 is devoid of EPSPS activity.

The  $\text{appK}_m(\text{PEP})$  of the *S. aureus* EPSPS was determined by measuring the reaction velocity of the enzyme (in crude bacterial extracts) at varying concentrations of PEP. The results were analyzed graphically using several standard kinetic plotting methods. Data analysis using the hyperbolic, Lineweaver-Burke, and Eadie-Hofstee methods yielded  $\text{appK}_m(\text{PEP})$  constants of 7.5, 4.8, and 4.0  $\mu\text{M}$ , respectively. These three data treatments are in good agreement, and yield an average value for  $\text{appK}_m(\text{PEP})$  of 5  $\mu\text{M}$ .

Further information of the glyphosate tolerance of *S. aureus* EPSPS was obtained by determining the reaction rates of the enzyme in the presence of several concentrations of glyphosate, at a PEP concentration of 2  $\mu$ M. These results were compared to the calculated maximal velocity of the EPSPS, and making the assumption that glyphosate is a competitive inhibitor versus PEP for *S. aureus* EPSPS, as it is for all other characterized EPSPSs, an  $\text{app}K_i(\text{glyphosate})$  was determined graphically. The  $\text{app}K_i(\text{glyphosate})$  for *S. aureus* EPSPS estimated using this method was found to be 0.20 mM.

The EPSPS from *S. aureus* was found to be glyphosate-tolerant, with an  $\text{app}K_i(\text{glyphosate})$  of approximately 0.2 mM. In addition, the  $\text{app}K_m(\text{PEP})$  for the enzyme is approximately 5  $\mu$ M, yielding a  $\text{app}K_i(\text{glyphosate}) / \text{app}K_m(\text{PEP})$  of 40.

#### Alternative Isolation Protocols for Other Class II EPSPS Structural Genes

A number of Class II genes have been isolated and described here. While the cloning of the gene from CP4 was difficult due to the low degree of similarity between the Class I and Class II enzymes and genes, the identification of the other genes was greatly facilitated by the use of this first gene as a probe. In the cloning of the LBAA EPSPS gene, the CP4 gene probe allowed the rapid identification of cosmid clones and the localization of the intact gene to a small restriction fragment and some of the CP4 sequencing primers were also used to sequence the LBAA (and PG2982) EPSPS gene(s). The CP4 gene probe was also used to confirm the PG2982 gene clone. The high degree of similarity of the Class II EPSPS genes may be used to identify and clone additional genes in much the same way that Class I EPSPS gene probes have been used to clone other Class I genes. An example of the latter was in the cloning of the *A. thaliana* EPSPS gene using the *P. hybrida* gene as a probe (Klee *et al.*, 1987).

Glyphosate-tolerant EPSPS activity has been reported previously for EPSP synthases from a number of sources. These enzymes have not been

characterized to any extent in most cases. The use of Class I and Class II EPSPS gene probes or antibody probes provide a rapid means of initially screening for the nature of the EPSPS and provide tools for the rapid cloning and characterization of the genes for such enzymes.

Two of the three genes described were isolated from bacteria that were isolated from a glyphosate treatment facility (Strains CP4 and LBAA). The third (PG2982) was from a bacterium that had been isolated from a culture collection strain. This latter isolation confirms that exposure to glyphosate is not a prerequisite for the isolation of high glyphosate-tolerant EPSPS enzymes and that the screening of collections of bacteria could yield additional isolates. It is possible to enrich for glyphosate degrading or glyphosate resistant microbial populations (Quinn *et al.*, 1988; Talbot *et al.*, 1984) in cases where it was felt that enrichment for such microorganisms would enhance the isolation frequency of Class II EPSPS microorganisms. Additional bacteria containing class II EPSPS gene have also been identified. A bacterium called C12, isolated from the same treatment column beads as CP4 (see above) but in a medium in which glyphosate was supplied as both the carbon and phosphorus source, was shown by Southern analysis to hybridize with a probe consisting of the CP4 EPSPS coding sequence. This result, in conjunction with that for strain LBAA, suggests that this enrichment method facilitates the identification of Class II EPSPS isolates. New bacterial isolates containing Class II EPSPS genes have also been identified from environments other than glyphosate waste treatment facilities. An inoculum was prepared by extracting soil (from a recently harvested soybean field in Jerseyville, Illinois) and a population of bacteria selected by growth at 28°C in Dworkin-Foster medium containing glyphosate at 10 mM as a source of carbon (and with cycloheximide at 100 µg/ml to prevent the growth of fungi). Upon plating on L-agar media, five colony types were identified. Chromosomal DNA was prepared from 2ml L-broth cultures of these isolates and the presence of a Class II EPSPS gene was probed using a the CP4 EPSPS coding sequence probe by Southern analysis under stringent

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hybridization and washing conditions. One of the soil isolates, S2, was positive by this screen.

Class II EPSPS enzymes are identifiable by an elevated  $K_i$  for glyphosate and thus the genes for these will impart a glyphosate tolerance phenotype in heterologous hosts. Expression of the gene from recombinant plasmids or phage may be achieved through the use of a variety of expression promoters and include the T7 promoter and polymerase. The T7 promoter and polymerase system has been shown to work in a wide range of bacterial (and mammalian) hosts and offers the advantage of expression of many proteins that may be present on large cloned fragments. Tolerance to growth on glyphosate may be shown on minimal growth media. In some cases, other genes or conditions that may give glyphosate tolerance have been observed, including over expression of beta-lactamase, the *igrA* gene (Fitzgibbon and Braymer, 1990), or the gene for glyphosate oxidoreductase (PCT Pub. No. WO92/00377). These are easily distinguished from Class II EPSPS by the absence of EPSPS enzyme activity.

The EPSPS protein is expressed from the *aroA* gene (also called *aroE* in some genera, for example, in *Bacillus*) and mutants in this gene have been produced in a wide variety of bacteria. Determining the identity of the donor organism (bacterium) aids in the isolation of Class II EPSPS gene - such identification may be accomplished by standard microbiological methods and could include Gram stain reaction, growth, color of culture, and gas or acid production on different substrates, gas chromatography analysis of methylesters of the fatty acids in the membranes of the microorganism, and determination of the GC% of the genome. The identity of the donor provides information that may be used to more easily isolate the EPSPS gene. An AroA- host more closely related to the donor organism could be employed to clone the EPSPS gene by complementation but this is not essential since complementation of the *E. coli* AroA mutant by the CP4 EPSPS gene was observed. In addition, the information on the GC content the genome may be

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used in choosing nucleotide probes - donor sources with high GC% would preferably use the CP4 EPSPS gene or sequences as probes and those donors with low GC would preferably employ those from *Bacillus subtilis*, for example.

### Relationships between different EPSPS genes

The deduced amino acid sequences of a number of Class I and the Class II EPSPS enzymes were compared using the Bestfit computer program provided in the UWGCG package (Devereux *et al.* 1984). The degree of similarity and identity as determined using this program is reported. The degree of similarity/identity determined within Class I and Class II protein sequences is remarkably high, for instance, comparing *E. coli* with *S. typhimurium* (similarity/identity = 93%/88%) and even comparing *E. coli* with a plant EPSPS (*Petunia hybrida*; 72%/55%). These data are shown in Table IV. The comparison of sequences between Class I and Class II, however, shows a much lower degree of relatedness between the Classes (similarity/identity = 50-53%/23-30%). The display of the Bestfit analysis for the *E. coli* (SEQ ID NO:8) and CP4 (SEQ ID NO:3) sequences shows the positions of the conserved residues and is presented in Figure 6. Previous analyses of EPSPS sequences had noted the high degree of conservation of sequences of the enzymes and the almost invariance of sequences in two regions - the "20-35" and "95-107" regions (Gasser *et al.*, 1988; numbered according to the *Petunia* EPSPS sequence) - and these regions are less conserved in the case of CP4 and LBAA when compared to Class I bacterial and plant EPSPS sequences (see Figure 6 for a comparison of the *E. coli* and CP4 EPSPS sequences with the *E. coli* sequence appearing as the top sequence in the Figure). The corresponding sequences in the CP4 Class II EPSPS are:

PGDKSISHRSFMFGGL

(SEQ ID NO:32) and

LDFGNAATGCRLT

(SEQ ID NO:33).

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These comparisons show that the overall relatedness of Class I and Class II is EPSPS proteins is low and that sequences in putative conserved regions have also diverged considerably.

In the CP4 EPSPS an alanine residue is present at the "glycine101" position. The replacement of the conserved glycine (from the "95-107" region) by an alanine results in an elevated  $K_i$  for glyphosate and in an elevation in the  $K_m$  for PEP in Class I EPSPS. In the case of the CP4 EPSPS, which contains an alanine at this position, the  $K_m$  for PEP is in the low range, indicating that the Class II enzymes differ in many aspects from the EPSPS enzymes heretofore characterized.

Within the Class II isolates, the degree of similarity/identity is as high as that noted for that within Class I (Table IVA). Figure 7 displays the Bestfit computer program alignment of the CP4 (SEQ ID NO:3) and LBAA (SEQ ID NO:5) EPSPS deduced amino acid sequences with the CP4 sequence appearing as the top sequence in the Figure. The symbols used in Figures 6 and 7 are the standard symbols used in the Bestfit computer program to designate degrees of similarity and identity.

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Table IVA 1,2

**Comparison of relatedness of EPSPS protein sequences**  
**Comparison between Class I and Class II EPSPS protein sequences**

	<u>similarity</u>	<u>identity</u>
<i>S. cerevisiae</i> vs. CP4	54	30
<i>A. nidulans</i> vs. CP4	50	25
<i>B. napus</i> vs. CP4	47	22
<i>A. thaliana</i> vs. CP4	48	22
<i>N. tabacum</i> vs. CP4	50	24
<i>L. esculentum</i> vs. CP4	50	24
<i>P. hybrida</i> vs. CP4	50	23
<i>Z. mays</i> vs. CP4	48	24
<i>S. gallinarum</i> vs. CP4	51	25
<i>S. typhimurium</i> vs. CP4	51	25
<i>S. typhi</i> vs. CP4	51	25
<i>K. pneumoniae</i> vs. CP4	56	28
<i>Y. enterocolitica</i> vs. CP4	53	25
<i>H. influenzae</i> vs. CP4	53	27
<i>P. multocida</i> vs. CP4	55	30
<i>A. salmonicida</i> vs. CP4	53	23
<i>B. pertussis</i> vs. CP4	53	27
<i>E. coli</i> vs. CP4	52	26
<i>E. coli</i> vs. LBAA	52	26
<i>E. coli</i> vs. <i>B. subtilis</i>	55	29
<i>E. coli</i> vs. <i>D. nodosus</i>	55	32
<i>E. coli</i> vs. <i>S. aureus</i>	55	29
<i>E. coli</i> vs. <i>Synechocystis</i> sp. PCC6803	53	30

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Comparison between Class I EPSPS protein sequences

	<u>similarity</u>	<u>identity</u>
<i>E. coli</i> vs. <i>S. typhimurium</i>	93	88
<i>P. hybrida</i> vs. <i>E. coli</i>	72	55

Comparison between Class II EPSPS protein sequences

	<u>similarity</u>	<u>identity</u>
<i>D. nodosus</i> vs. CP4	62	43
LBAA vs. CP4	90	83
PG2892 vs. CP4	90	83
<i>S. aureus</i> vs. CP4	58	34
<i>B. subtilis</i> vs. CP4	59	41
<i>Synechocystis</i> sp. PCC6803 vs. CP4	62	45

- 
- 1 The EPSPS sequences compared here were obtained from the following references: *E. coli*, Rogers *et al.*, 1983; *S. typhimurium*, Stalker *et al.*, 1985; *Petunia hybrida*, Shah *et al.*, 1986; *B. pertussis*, Maskell *et al.*, 1988; *S. cerevisiae*, Duncan *et al.*, 1987, *Synechocystis* sp. PCC6803, Dalla Chiesa *et al.*, 1994 and *D. nodosus*, Alm *et al.*, 1994.
  - 2 "GAP" Program. Genetics Computer Group, (1991), Program Manual for the GCG Package, Version 7. April 1991. 575 Science Drive. Madison, Wisconsin. USA 53711
- 

The relative locations of the major conserved sequences among Class II EPSP synthases which distinguishes this group from the Class I EPSP synthases is listed below in Table IVB.

**Table IVB Location of Conserved Sequences in  
Class II EPSP Synthases**

<b>Source</b>	<b>Seq. 1<sup>1</sup></b>	<b>Seq. 2<sup>2</sup></b>	<b>Seq. 3<sup>3</sup></b>	<b>Seq. 4<sup>4</sup></b>
<b>CP4</b>				
start	200	26	173	271
end	204	29	177	274
<b>LBAA</b>				
start	200	26	173	271
end	204	29	177	274
<b>PG2982</b>				
start	200	26	173	273
end	204	29	177	276
<b><i>B. subtilis</i></b>				
start	190	17	164	257
end	194	20	168	260
<b><i>S. aureus</i></b>				
start	193	21	166	261
end	197	24	170	264
<b><i>Synechocystis</i> sp. PCC6803</b>				
start	210	34	183	278
end	214	38	187	281
<b><i>D. nodosus</i></b>				
start	195	22	168	261
end	199	25	172	264
<b>min. start</b>	<b>190</b>	<b>17</b>	<b>164</b>	<b>257</b>
<b>max. end</b>	<b>214</b>	<b>38</b>	<b>187</b>	<b>281</b>

<sup>1</sup> -R-X<sub>1</sub>-H-X<sub>2</sub>-E- (SEQ ID NO:37)

<sup>2</sup> -G-D-K-X<sub>3</sub>- (SEQ ID NO:38)

<sup>3</sup> -S-A-Q-X<sub>4</sub>-K- (SEQ ID NO:39)

<sup>4</sup> -N-X<sub>5</sub>-T-R- (SEQ ID NO:40)

The domains of EPSP synthase sequence identified in this application were determined to be those important for maintenance of glyphosate resistance and productive binding of PEP. The information used in indentifying these domains included sequence alignments of numerous glyphosate-sensitive EPSPS molecules and the three-dimensional x-ray structures of *E. coli* EPSPS (Stallings, *et al.* 1991) and CP4 EPSPS. The structures are representative of a glyphosate-sensitive (i.e., Class I) enzyme, and a naturally-occurring glyphosate-tolerant (i.e., Class II) enzyme of the present invention. These exemplary molecules were superposed three-dimensionally and the results displayed on a computer graphics terminal. Inspection of the display allowed for structure-based fine-tuning of the sequence alignments of glyphosate-sensitive and glyphosate-resistant EPSPS molecules. The new sequence alignments were examined to determine differences between Class I and Class II EPSPS enzymes. Seven regions were identified and these regions were located in the x-ray structure of CP4 EPSPS which also contained a bound analog of the intermediate which forms catalytically between PEP and S3P.

The structure of the CP4 EPSPS with the bound intermediate analog was displayed on a computer graphics terminal and the seven sequence segments were examined. Important residues for glyphosate binding were identified as well as those residues which stabilized the conformations of those important residues; adjoining residues were considered necessary for maintenance of correct three-dimensional structural motifs in the context of glyphosate- sensitive EPSPS molecules. Three of the seven domains were

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determined not to be important for glyphosate tolerance and maintainance of productive PEP binding. The following four primary domains were determined to be characteristic of Class II EPSPS enzymes of the present invention:

-R-X<sub>1</sub>-H-X<sub>2</sub>-E (SEQ ID NO:37), in which

X<sub>1</sub> is an uncharged polar or acidic amino acid,

X<sub>2</sub> is serine or threonine,

The Arginine (R) residue at position 1 is important because the positive charge of its guanidium group destabilizes the binding of glyphosate. The Histidine (H) residue at position 3 stabilizes the Arginine (R) residue at position 4 of SEQ ID NO:40. The Glutamic Acid (E) residue at position 5 stabilizes the Lysine (K) residue at position 5 of SEQ ID NO:39.

-G-D-K-X<sub>3</sub> (SEQ ID NO:38), in which

X<sub>3</sub> is serine or threonine,

The Aspartic acid (D) residue at position 2 stabilizes the Arginine (R) residue at position 4 of SEQ ID NO:40. The Lysine (K) residue at position 3 is important because for productive PEP binding.



-S-A-Q-X<sub>4</sub>-K (SEQ ID NO:39), in which  
X<sub>4</sub> is any amino acid,

The Alanine (A) residue at position 2 stabilizes the Arginine (R) residue at position 1 of SEQ ID NO:37. The Serine (S) residue at position 1 and the Glutamine (Q) residue at position 3 are important for productive S3P binding.

-N-X<sub>5</sub>-T-R (SEQ ID NO:40) in which  
X<sub>5</sub> is any amino acid,

The Asparagine (N) residue at position 1 and the Threonine (T) residue at position 3 stabilize residue X<sub>1</sub> at position 2 of SEQ ID NO:37. The Arginine (R) residue at position 4 is important because the positive charge of its guanidium group destabilizes the binding of glyphosate.

Since the above sequences are only representative of the Class II EPSPSs which would be included within the generic structure of this group of EPSP synthases, the above sequences may be found within a subject EPSP synthase molecule within slightly more expanded regions. It is believed that the above-described conserved sequences would likely be found in the following regions of the mature EPSP synthases molecule:

- R-X<sub>1</sub>-H-X<sub>2</sub>-E- (SEQ ID NO:37) located between amino acids 175 and 230 of the mature EPSP synthase sequence;
- G-D-K-X<sub>3</sub>- (SEQ ID NO:38) located between amino acids 5 and 55 of the mature EPSP synthase sequence;
- S-A-Q-X<sub>4</sub>-K- (SEQ ID NO:39) located between amino acids 150 and 200 of the mature EPSP synthase sequence; and
- N-X<sub>5</sub>-T-R- (SEQ ID NO:40) located between amino acids 245 and 295 of the mature EPSPS synthase sequence.

One difference that may be noted between the deduced amino acid sequences of the CP4 and LBAA EPSPS proteins is at position 100 where an Alanine is found in the case of the CP4 enzyme and a Glycine is found in the case of the LBAA enzyme. In the Class I EPSPS enzymes a Glycine is usually found in the equivalent position, i.e Glycine96 in *E. coli* and *K. pneumoniae* and Glycine101 in Petunia. In the case of these three enzymes it has been reported that converting that Glycine to an Alanine results in an elevation of the appKi for glyphosate and a concomitant elevation in the appKm for PEP (Kishore *et al.*, 1986; Kishore and Shah, 1988; Sost and Amrhein, 1990), which, as discussed above, makes the enzyme less efficient especially under conditions of lower PEP concentrations. The Glycine100 of the LBAA EPSPS was converted to an Alanine and both the appKm for PEP and the appKi for glyphosate were determined for the variant. The Glycine100Alanine change was introduced by mutagenesis using the following primer:

CGGCAATGCCGCCACCGGCGCGCGCC (SEQ ID NO:34)

and both the wild type and variant genes were expressed in *E. coli* in a *RecA* promoter expression vector (pMON17201 and pMON17264, respectively) and the appKm's and appKi's determined in crude lysates. The data indicate that the appKi(glyphosate) for the G100A variant is elevated about 16-fold (Table

V). This result is in agreement with the observation of the importance of this G-A change in raising the  $appK_i$ (glyphosate) in the Class I EPSPS enzymes. However, in contrast to the results in the Class I G-A variants, the  $appK_m$ (PEP) in the Class II (LBAA) G-A variant is unaltered. This provides yet another distinction between the Class II and Class I EPSPS enzymes.

**Table V**

Lysate prepared from:	<u><math>appK_m</math>(PEP)</u>	<u><math>appK_i</math>( glyphosate)</u>
<i>E. coli</i> /pMON17201 (wild type)	5.3 $\mu$ M	28 $\mu$ M*
<i>E. coli</i> /pMON17264 (G100A variant)	5.5 $\mu$ M	459 $\mu$ M#

@ range of PEP: 2-40  $\mu$ M

\* range of glyphosate: 0-310  $\mu$ M; # range of glyphosate: 0-5000  $\mu$ M.

The LBAA G100A variant, by virtue of its superior kinetic properties, should be capable of imparting improved *in planta* glyphosate tolerance.

### **Modification and Resynthesis of the *Agrobacterium* sp. strain CP4 EPSPS Gene Sequence**

The EPSPS gene from *Agrobacterium* sp. strain CP4 contains sequences that could be inimical to high expression of the gene in plants. These sequences include potential polyadenylation sites that are often A+T rich, a higher G+C% than that frequently found in plant genes (63% *versus* ~50%), concentrated stretches of G and C residues, and codons that are not used frequently in plant genes. The high G+C% in the CP4 EPSPS gene has a number of potential consequences including the following: a higher usage of G or C than that found in plant genes in the third position in codons, and the

potential to form strong hair-pin structures that may affect expression or stability of the RNA. The reduction in the G+C content of the CP4 EPSPS gene, the disruption of stretches of G's and C's, the elimination of potential polyadenylation sequences, and improvements in the codon usage to that used more frequently in plant genes, could result in higher expression of the CP4 EPSPS gene in plants.

A synthetic CP4 gene was designed to change as completely as possible those inimical sequences discussed above. In summary, the gene sequence was redesigned to eliminate as much as possible the following sequences or sequence features (while avoiding the introduction of unnecessary restriction sites): stretches of G's and C's of 5 or greater; and A+T rich regions (predominantly) that could function as polyadenylation sites or potential RNA destabilization region. The sequence of this gene is shown in Figure 8 (SEQ ID NO:9). This coding sequence was expressed in *E. coli* from the *RecA* promoter and assayed for EPSPS activity and compared with that from the native CP4 EPSPS gene. The apparent  $K_m$  for PEP for the native and synthetic genes was 11.8 and 12.7, respectively, indicating that the enzyme expressed from the synthetic gene was unaltered. The N-terminus of the coding sequence was mutagenized to place an SphI site at the ATG to permit the construction of the CTP2-CP4 synthetic fusion for chloroplast import. The following primer was used to accomplish this mutagenesis:

GGACGGCTGCTTGCACCGTGAAGCATGCTTAAGCTTGGCGTAATCATGG  
(SEQ ID NO:35).

### **Expression of Chloroplast Directed CP4 EPSPS**

The glyphosate target in plants, the 5-enolpyruvyl-shikimate-3-phosphate synthase (EPSPS) enzyme, is located in the chloroplast. Many chloroplast-localized proteins, including EPSPS, are expressed from nuclear genes as precursors and are targeted to the chloroplast by a chloroplast

transit peptide (CTP) that is removed during the import steps. Examples of other such chloroplast proteins include the small subunit (SSU) of Ribulose-1,5-bisphosphate carboxylase (RUBISCO), Ferredoxin, Ferredoxin oxidoreductase, the Light-harvesting-complex protein I and protein II, and Thioredoxin F. It has been demonstrated *in vivo* and *in vitro* that non-chloroplast proteins may be targeted to the chloroplast by use of protein fusions with a CTP and that a CTP sequence is sufficient to target a protein to the chloroplast.

*Do not* A CTP-CP4 EPSPS fusion was constructed between the *Arabidopsis thaliana* EPSPS CTP (Klee *et al.*, 1987) and the CP4 EPSPS coding sequences. The *Arabidopsis* CTP was engineered by site-directed mutagenesis to place a *Sph*I restriction site at the CTP processing site. This mutagenesis replaced the Glu-Lys at this location with Cys-Met. The sequence of this CTP, designated as CTP2 (SEQ ID NO:10), is shown in Figure 9. The N-terminus of the CP4 EPSPS gene was modified to place a *Sph*I site that spans the Met codon. The second codon was converted to one for leucine in this step also. This change had no apparent effect on the *in vivo* activity of CP4 EPSPS in *E. coli* as judged by rate of complementation of the *aroA* allele. This modified N-terminus was then combined with the *Sac*I C-terminus and cloned downstream of the CTP2 sequences. The CTP2-CP4 EPSPS fusion was cloned into pBlueScript KS(+). This vector may be transcribed *in vitro* using the T7 polymerase and the RNA translated with <sup>35</sup>S-Methionine to provide material that may be evaluated for import into chloroplasts isolated from *Lactuca sativa* using the methods described hereinafter (della-Cioppa *et al.*, 1986, 1987). This template was transcribed *in vitro* using T7 polymerase and the <sup>35</sup>S-methionine-labeled CTP2-CP4 EPSPS material was shown to import into chloroplasts with an efficiency comparable to that for the control *Petunia* EPSPS (control = <sup>35</sup>S labeled PreEPSPS [pMON6140; della-Cioppa *et al.*, 1986]).

In another example the *Arabidopsis* EPSPS CTP, designated as CTP3, was fused to the CP4 EPSPS through an *Eco*RI site. The sequence of this

CTP3 (SEQ ID NO:12) is shown in Figure 10. An *EcoRI* site was introduced into the *Arabidopsis* EPSPS mature region around amino acid 27, replacing the sequence -Arg-Ala-Leu-Leu- with -Arg-Ile-Leu-Leu- in the process. The primer of the following sequence was used to modify the N-terminus of the CP4 EPSPS gene to add an *EcoRI* site to effect the fusion to the

CTP3:GGAAGACGCCCAGAAATTCACGGTGCAAGCAGCCGG  
(SEQ ID NO:36) (the *EcoRI* site is underlined).

This CTP3-CP4 EPSPS fusion was also cloned into the pBlueScript vector and the T7 expressed fusion was found to also import into chloroplasts with an efficiency comparable to that for the control Petunia EPSPS (pMON6140).

A related series of CTPs, designated as CTP4 (*SphI*) and CTP5 (*EcoRI*), based on the Petunia EPSPS CTP and gene were also fused to the *SphI*- and *EcoRI*-modified CP4 EPSPS gene sequences. The *SphI* site was added by site-directed mutagenesis to place this restriction site (and change the amino acid sequence to -Cys-Met-) at the chloroplast processing site. All of the CTP-CP4 EPSPS fusions were shown to import into chloroplasts with approximately equal efficiency. The CTP4 (SEQ ID NO:14) and CTP5 (SEQ ID NO:16) sequences are shown in Figures 11 and 12.

A CTP2-LBAA EPSPS fusion was also constructed following the modification of the N-terminus of the LBAA EPSPS gene by the addition of a *SphI* site. This fusion was also found to be imported efficiently into chloroplasts.

By similar approaches, the CTP2-CP4 EPSPS and the CTP4-CP4 EPSPS fusion have also been shown to import efficiently into chloroplasts prepared from the leaf sheaths of corn. These results indicate that these CTP-CP4 fusions could also provide useful genes to impart glyphosate tolerance in monocot species.

The use of CTP2 or CTP4 is preferred because these transit peptide constructions yield mature EPSPS enzymes upon import into the chloroplast which are closer in composition to the native EPSPSs not containing a transit peptide signal. Those skilled in the art will recognize that various chimeric constructs can be made which utilize the functionality of a particular CTP to import a Class II EPSPS enzyme into the plant cell chloroplast. The chloroplast import of the Class II EPSPS can be determined using the following assay.

### Chloroplast Uptake Assay

Intact chloroplasts are isolated from lettuce (*Lactuca sativa*, var. longifolia) by centrifugation in Percoll/ficoll gradients as modified from Bartlett *et al.*, (1982). The final pellet of intact chloroplasts is suspended in 0.5 ml of sterile 330 mM sorbitol in 50 mM Hepes-KOH, pH 7.7, assayed for chlorophyll (Arnon, 1949), and adjusted to the final chlorophyll concentration of 4 mg/ml (using sorbitol/Hepes). The yield of intact chloroplasts from a single head of lettuce is 3-6mg chlorophyll.

A typical 300  $\mu$ l uptake experiment contained 5 mM ATP, 8.3 mM unlabeled methionine, 322 mM sorbitol, 58.3 mM Hepes-KOH (pH 8.0), 50  $\mu$ l reticulocyte lysate translation products, and intact chloroplasts from *L. sativa* (200  $\mu$ g chlorophyll). The uptake mixture is gently rocked at room temperature (in 10 x 75 mm glass tubes) directly in front of a fiber optic illuminator set at maximum light intensity (150 Watt bulb). Aliquot samples of the uptake mix (about 50  $\mu$ l) are removed at various times and fractionated over 100  $\mu$ l silicone-oil gradients (in 150  $\mu$ l polyethylene tubes) by centrifugation at 11,000 X g for 30 seconds. Under these conditions, the intact chloroplasts form a pellet under the silicone-oil layer and the incubation medium (containing the reticulocyte lysate) floats on the surface. After centrifugation, the silicone-oil gradients are immediately frozen in dry ice. The chloroplast pellet is then resuspended in 50-100  $\mu$ l of lysis buffer (10 mM Hepes-KOH pH 7.5, 1 mM

PMSF, 1 mM benzamidine, 5 mM e-amino-n-caproic acid, and 30 µg/ml aprotinin) and centrifuged at 15,000 X g for 20 minutes to pellet the thylakoid membranes. The clear supernatant (stromal proteins) from this spin, and an aliquot of the reticulocyte lysate incubation medium from each uptake experiment, are mixed with an equal volume of 2X SDS-PAGE sample buffer for electrophoresis (Laemmli, 1970).

SDS-PAGE is carried out according to Laemmli (1970) in 3-17% (w/v) acrylamide slab gels (60 mm X 1.5 mm) with 3% (w/v) acrylamide stacking gels (5 mm X 1.5 mm). The gel is fixed for 20-30 min in a solution with 40% methanol and 10% acetic acid. Then, the gel is soaked in EN<sup>3</sup>HANCE<sup>TM</sup> (DuPont) for 20-30 minutes, followed by drying the gel on a gel dryer. The gel is imaged by autoradiography, using an intensifying screen and an overnight exposure to determine whether the CP4 EPSPS is imported into the isolated chloroplasts.

### **Plant Transformation**

Plants which can be made glyphosate-tolerant by practice of the present invention include, but are not limited to, soybean, cotton, corn, canola, oil seed rape, flax, sugarbeet, sunflower, potato, tobacco, tomato, wheat, rice, alfalfa and lettuce as well as various tree, nut and vine species.

A double-stranded DNA molecule of the present invention ("chimeric gene") can be inserted into the genome of a plant by any suitable method. Suitable plant transformation vectors include those derived from a Ti plasmid of *Agrobacterium tumefaciens*, as well as those disclosed, e.g., by Herrera-Estrella (1983), Bevan (1984), Klee (1985) and EPO publication 120,516 (Schilperoort *et al.*). In addition to plant transformation vectors derived from the Ti or root-inducing (Ri) plasmids of *Agrobacterium*, alternative methods can be used to insert the DNA constructs of this invention into plant cells. Such methods may involve, for example, the use of liposomes, electroporation,

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chemicals that increase free DNA uptake, free DNA delivery via microprojectile bombardment, and transformation using viruses or pollen.

### Class II EPSPS Plant transformation vectors

Class II EPSPS DNA sequences may be engineered into vectors capable of transforming plants by using known techniques. The following description is meant to be illustrative and not to be read in a limiting sense. One of ordinary skill in the art would know that other plasmids, vectors, markers, promoters, etc. would be used with suitable results. The CTP2-CP4 EPSPS fusion was cloned as a *Bgl*II-*Eco*RI fragment into the plant vector pMON979 (described below) to form pMON17110, a map of which is presented in Figure 13. In this vector the CP4 gene is expressed from the enhanced CaMV35S promoter (E35S; Kay *et al.* 1987). A FMV35S promoter construct (pMON17116) was completed in the following way: The *Sal*I-*Not*I and the *Not*I-*Bgl*II fragments from pMON979 containing the *Spc*/AAC(3)-III/*ori*V and the pBR322/Right Border/NOS 3'/CP4 EPSPS gene segment from pMON17110 were ligated with the *Xho*I-*Bgl*II FMV35S promoter fragment from pMON981. These vectors were introduced into tobacco, cotton and canola.

A series of vectors was also completed in the vector pMON977 in which the CP4 EPSPS gene, the CTP2-CP4 EPSPS fusion, and the CTP3-CP4 fusion were cloned as *Bgl*II-*Sac*I fragments to form pMON17124, pMON17119, and pMON17120, respectively. These plasmids were introduced into tobacco. A pMON977 derivative containing the CTP2-LBAA EPSPS gene was also completed (pMON17206) and introduced into tobacco.

The pMON979 plant transformation/expression vector was derived from pMON886 (described below) by replacing the neomycin phosphotransferase typeII (KAN) gene in pMON886 with the 0.89 kb fragment containing the bacterial gentamicin-3-N-acetyltransferase type III (AAC(3)-III) gene (Hayford *et al.*, 1988). The chimeric P-35S/AA(3)-III/NOS 3' gene encodes

gentamicin resistance which permits selection of transformed plant cells. pMON979 also contains a 0.95 kb expression cassette consisting of the enhanced CaMV 35S promoter (Kay *et al.*, 1987), several unique restriction sites, and the NOS 3' end (P-En-CaMV35S/NOS 3'). The rest of the pMON979 DNA segments are exactly the same as in pMON886.

Plasmid pMON886 is made up of the following segments of DNA. The first is a 0.93 kb *Ava*I to engineered-*Eco*RV fragment isolated from transposon Tn7 that encodes bacterial spectinomycin/streptomycin resistance (Spc/Str), which is a determinant for selection in *E. coli* and *Agrobacterium tumefaciens*. This is joined to the 1.61 kb segment of DNA encoding a chimeric kanamycin resistance which permits selection of transformed plant cells. The chimeric gene (P-35S/KAN/NOS 3') consists of the cauliflower mosaic virus (CaMV) 35S promoter, the neomycin phosphotransferase typeII (KAN) gene, and the 3'-nontranslated region of the nopaline synthase gene (NOS 3') (Fraley *et al.*, 1983). The next segment is the 0.75 kb *ori*V containing the origin of replication from the RK2 plasmid. It is joined to the 3.1 kb *Sal*I to *Pvu*I segment of pBR322 (*ori*322) which provides the origin of replication for maintenance in *E. coli* and the *bom* site for the conjugational transfer into the *Agrobacterium tumefaciens* cells. The next segment is the 0.36 kb *Pvu*I to *Bcl*II from pTiT37 that carries the nopaline-type T-DNA right border (Fraley *et al.*, 1985).

The pMON977 vector is the same as pMON981 except for the presence of the P-En-CaMV35S promoter in place of the FMV35S promoter (see below).

The pMON981 plasmid contains the following DNA segments: the 0.93 kb fragment isolated from transposon Tn7 encoding bacterial spectinomycin/streptomycin resistance [Spc/Str; a determinant for selection in *E. coli* and *Agrobacterium tumefaciens* (Fling *et al.*, 1985)]; the chimeric kanamycin resistance gene engineered for plant expression to allow selection of the transformed tissue, consisting of the 0.35 kb cauliflower mosaic virus 35S promoter (P-35S) (Odell *et al.*, 1985), the 0.83 kb neomycin phosphotransferase typeII gene (KAN), and the 0.26 kb 3'-nontranslated

region of the nopaline synthase gene (NOS 3') (Fraley *et al.*, 1983); the 0.75 kb origin of replication from the RK2 plasmid (*oriV*) (Stalker *et al.*, 1981); the 3.1 kb *SalI* to *PvuI* segment of pBR322 which provides the origin of replication for maintenance in *E. coli* (*ori-322*) and the *bom* site for the conjugational transfer into the *Agrobacterium tumefaciens* cells, and the 0.36 kb *PvuI* to *BclI* fragment from the pTiT37 plasmid containing the nopaline-type T-DNA right border region (Fraley *et al.*, 1985). The expression cassette consists of the 0.6 kb 35S promoter from the figwort mosaic virus (P-FMV35S) (Gowda *et al.*, 1989) and the 0.7 kb 3' non-translated region of the pea *rbcS-E9* gene (E9 3') (Coruzzi *et al.*, 1984, and Morelli *et al.*, 1985). The 0.6 kb *SspI* fragment containing the FMV35S promoter (Figure 1) was engineered to place suitable cloning sites downstream of the transcriptional start site. The CTP2-CP4syn gene fusion was introduced into plant expression vectors (including pMON981, to form pMON17131; Figure 14) and transformed into tobacco, canola, potato, tomato, sugarbeet, cotton, lettuce, cucumber, oil seed rape, poplar, and *Arabidopsis*.

The plant vector containing the Class II EPSPS gene may be mobilized into any suitable *Agrobacterium* strain for transformation of the desired plant species. The plant vector may be mobilized into an ABI *Agrobacterium* strain. A suitable ABI strain is the A208 *Agrobacterium tumefaciens* carrying the disarmed Ti plasmid pTiC58 (pMP90RK) (Koncz and Schell, 1986). The Ti plasmid does not carry the T-DNA phytohormone genes and the strain is therefore unable to cause the crown gall disease. Mating of the plant vector into ABI was done by the triparental conjugation system using the helper plasmid pRK2013 (Ditta *et al.*, 1980). When the plant tissue is incubated with the ABI::plant vector conjugate, the vector is transferred to the plant cells by the *vir* functions encoded by the disarmed pTiC58 plasmid. The vector opens at the T-DNA right border region, and the entire plant vector sequence may be inserted into the host plant chromosome. The pTiC58 Ti plasmid does not transfer to the plant cells but remains in the *Agrobacterium*.

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**Class II EPSPS free DNA vectors**

Class II EPSPS genes may also be introduced into plants through direct delivery methods. A number of direct delivery vectors were completed for the CP4 EPSPS gene. The vector pMON13640, a map of which is presented in Figure 15, is described here. The plasmid vector is based on a pUC plasmid (Vieira and Messing, 1987) containing, in this case, the *nptII* gene (kanamycin resistance; KAN) from Tn903 to provide a selectable marker in *E. coli*. The CTP4-EPSPS gene fusion is expressed from the P-FMV35S promoter and contains the NOS 3' polyadenylation sequence fragment and from a second cassette consisting of the E35S promoter, the CTP4-CP4 gene fusion and the NOS 3' sequences. The scoreable GUS marker gene (Jefferson *et al.*, 1987) is expressed from the mannopine synthase promoter (P-MAS; Velten *et al.*, 1984) and the soybean 7S storage protein gene 3' sequences (Schuler *et al.*, 1982). Similar plasmids could also be made in which CTP-CP4 EPSPS fusions are expressed from the enhanced CaMV35S promoter or other plant promoters. Other vectors could be made that are suitable for free DNA delivery into plants and such are within the skill of the art and contemplated to be within the scope of this disclosure.

**Plastid transformation:**

While transformation of the nuclear genome of plants is much more developed at this time, a rapidly advancing alternative is the transformation of plant organelles. The transformation of plastids of land plants and the regeneration of stable transformants has been demonstrated (Svab *et al.*, 1990; Maliga *et al.*, 1993). Transformants are selected, following double cross-over events into the plastid genome, on the basis of resistance to spectinomycin conferred through rRNA changes or through the introduction of an aminoglycoside 3'-adenyltransferase gene (Svab *et al.*, 1990; Svab and Maliga, 1993), or resistance to kanamycin through the neomycin phosphotransferase NptII

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(Carrer *et al.*, 1993). DNA is introduced by biolistic means (Svab *et al.*, 1990; Maliga *et al.*, 1993) or by using polyethylene glycol (O'Neill *et al.*, 1993). This transformation route results in the production of 500-10,000 copies of the introduced sequence per cell and high levels of expression of the introduced gene have been reported (Carrer *et al.*, 1993; Maliga *et al.*, 1993). The use of plastid transformation offers the advantages of not requiring the chloroplast transit peptide signal sequence to result in the localization of the heterologous Class II EPSPS in the chloroplast and the potential to have many copies of the heterologous plant-expressible Class II EPSPS gene in each plant cell since at least one copy of the gene would be in each plastid of the cell.

### **Plant Regeneration**

When expression of the Class II EPSPS gene is achieved in transformed cells (or protoplasts), the cells (or protoplasts) are regenerated into whole plants. Choice of methodology for the regeneration step is not critical, with suitable protocols being available for hosts from Leguminosae (alfalfa, soybean, clover, etc.), Umbelliferae (carrot, celery, parsnip), Cruciferae (cabbage, radish, rapeseed, etc.), Cucurbitaceae (melons and cucumber), Gramineae (wheat, rice, corn, etc.), Solanaceae (potato, tobacco, tomato, peppers), various floral crops as well as various trees such as poplar or apple, nut crops or vine plants such as grapes. See, e.g., Ammirato, 1984; Shimamoto, 1989; Fromm, 1990; Vasil, 1990.

The following examples are provided to better elucidate the practice of the present invention and should not be interpreted in any way to limit the scope of the present invention. Those skilled in the art will recognize that various modifications, truncations, etc. can be made to the methods and genes described herein while not departing from the spirit and scope of the present invention.

In the examples that follow, EPSPS activity in plants is assayed by the following method. Tissue samples were collected and immediately frozen in

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liquid nitrogen. One gram of young leaf tissue was frozen in a mortar with liquid nitrogen and ground to a fine powder with a pestle. The powder was then transferred to a second mortar, extraction buffer was added (1 ml /gram), and the sample was ground for an additional 45 seconds. The extraction buffer for canola consists of 100 mM Tris, 1 mM EDTA, 10 % glycerol, 5 mM DTT, 1 mM BAM, 5 mM ascorbate, 1.0 mg/ml BSA, pH 7.5 (4°C). The extraction buffer for tobacco consists of 100 mM Tris, 10 mM EDTA, 35 mM KCl, 20 % glycerol, 5 mM DTT, 1 mM BAM, 5 mM ascorbate, 1.0 mg/ml BSA, pH 7.5 (4°C). The mixture was transferred to a microfuge tube and centrifuged for 5 minutes. The resulting supernatants were desalted on spin G-50 (Pharmacia) columns, previously equilibrated with extraction buffer (without BSA), in 0.25 ml aliquots. The desalted extracts were assayed for EPSP synthase activity by radioactive HPLC assay. Protein concentrations in samples were determined by the BioRad microprotein assay with BSA as the standard.

Protein concentrations were determined using the BioRad Microprotein method. BSA was used to generate a standard curve ranging from 2 - 24 µg. Either 800 µl of standard or diluted sample was mixed with 200 µl of concentrated BioRad Bradford reagent. The samples were vortexed and read at A(595) after ~ 5 minutes and compared to the standard curve.

EPSPS enzyme assays contained HEPES (50 mM), shikimate-3-phosphate (2 mM), NH<sub>4</sub> molybdate (0.1 mM) and KF (5 mM), with or without glyphosate (0.5 or 1.0 mM). The assay mix (30 µl) and plant extract (10 µl) were preincubated for 1 minute at 25°C and the reactions were initiated by adding <sup>14</sup>C-PEP (1 mM). The reactions were quenched after 3 minutes with 50 µl of 90% EtOH/0.1M HOAc, pH 4.5. The samples were spun at 6000 rpm and the resulting supernatants were analyzed for <sup>14</sup>C-EPSP production by HPLC. Percent resistant EPSPS is calculated from the EPSPS activities with and without glyphosate.

The percent conversion of <sup>14</sup>C labeled PEP to <sup>14</sup>C EPSP was determined by HPLC radioassay using a C18 guard column (Brownlee) and an AX100

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HPLC column (0.4 X 25 cm, Synchropak) with 0.28 M isocratic potassium phosphate eluant, pH 6.5, at 1 ml/min. Initial velocities were calculated by multiplying fractional turnover per unit time by the initial concentration of the labeled substrate (1 mM). The assay was linear with time up to ~ 3 minutes and 30% turnover to EPSPS. Samples were diluted with 10 mM Tris, 10% glycerol, 10 mM DTT, pH 7.5 (4°C) if necessary to obtain results within the linear range.

In these assays DL-dithiotheitol (DTT), benzamidine (BAM), and bovine serum albumin (BSA, essentially globulin free) were obtained from Sigma. Phosphoenolpyruvate (PEP) was from Boehringer Mannheim and phosphoenol-[1-<sup>14</sup>C]pyruvate (28 mCi/mmol) was from Amersham.

## **EXAMPLES**

### **Example 1**

Transformed tobacco plants have been generated with a number of the Class II EPSPS gene vectors containing the CP4 EPSPS DNA sequence as described above with suitable expression of the EPSPS. These transformed plants exhibit glyphosate tolerance imparted by the Class II CP4 EPSPS.

Transformation of tobacco employs the tobacco leaf disc transformation protocol which utilizes healthy leaf tissue about 1 month old. After a 15-20 minutes surface sterilization with 10% Clorox plus a surfactant, the leaves are rinsed 3 times in sterile water. Using a sterile paper punch, leaf discs are punched and placed upside down on MS104 media (MS salts 4.3 g/l, sucrose 30 g/l, B5 vitamins 500X 2 ml/l, NAA 0.1 mg/l, and BA 1.0 mg/l) for a 1 day preculture.

The discs are then inoculated with an overnight culture of a disarmed *Agrobacterium* ABI strain containing the subject vector that had been diluted 1/5 (i.e.: about 0.6 OD). The inoculation is done by placing the discs in centrifuge tubes with the culture. After 30 to 60 seconds, the liquid is drained

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off and the discs were blotted between sterile filter paper. The discs are then placed upside down on MS104 feeder plates with a filter disc to co-culture.

After 2-3 days of co-culture, the discs are transferred, still upside down, to selection plates with MS104 media. After 2-3 weeks, callus tissue formed, and individual clumps are separated from the leaf discs. Shoots are cleanly cut from the callus when they are large enough to be distinguished from stems. The shoots are placed on hormone-free rooting media (MSO: MS salts 4.3 g/l, sucrose 30 g/l, and B5 vitamins 500X 2 ml/l) with selection for the appropriate antibiotic resistance. Root formation occurred in 1-2 weeks. Any leaf callus assays are preferably done on rooted shoots while still sterile. Rooted shoots are then placed in soil and kept in a high humidity environment (i.e.: plastic containers or bags). The shoots are hardened off by gradually exposing them to ambient humidity conditions.

#### **Expression of CP4 EPSPS protein in transformed plants**

Tobacco cells were transformed with a number of plant vectors containing the native CP4 EPSPS gene, and using different promoters and/or CTP's. Preliminary evidence for expression of the gene was given by the ability of the leaf tissue from antibiotic selected transformed shoots to recallus on glyphosate. In some cases, glyphosate-tolerant callus was selected directly following transformation. The level of expression of the CP4 EPSPS was determined by the level of glyphosate-tolerant EPSPS activity (assayed in the presence of 0.5 mM glyphosate) or by Western blot analysis using a goat anti-CP4 EPSPS antibody. The Western blots were quantitated by densitometer tracing and comparison to a standard curve established using purified CP4 EPSPS. These data are presented as % soluble leaf protein. The data from a number of transformed plant lines and transformation vectors are presented in Table VI below.

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**Table VI Expression of CP4 EPSPS in transformed tobacco tissue**

77 0660

Vector	Plant #	CP4 EPSPS ** (% leaf protein)
pMON17110	25313	0.02
pMON17110	25329	0.04
pMON17116	25095	0.02
pMON17119	25106	0.09
pMON17119	25762	0.09
pMON17119	25767	0.03

\*\* Glyphosate-tolerant EPSPS activity was also demonstrated in leaf extracts for these plants.

Glyphosate tolerance has also been demonstrated at the whole plant level in transformed tobacco plants. In tobacco, R<sub>0</sub> transformants of CTP2-CP4 EPSPS were sprayed at 0.4 lb/acre (0.448 kg/hectare), a rate sufficient to kill control non-transformed tobacco plants corresponding to a rating of 3, 1 and 0 at days 7, 14 and 28, respectively, and were analyzed vegetatively and reproductively (Table VII).

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**Table VII Glyphosate tolerance in *R<sub>n</sub>* tobacco CP4 transformants\***

7,0670

Vector/Plant #	Score**		
	Vegetative		Fertile
	day 7	day 14	
pMON17110/25313	6	4	2
pMON17110/25329	9	10	10
pMON17119/25106	9	9	10

\* Spray rate = 0.4 lb/acre (0.448kg/hectare)

\*\*Plants are evaluated on a numerical scoring system of 0-10 where a vegetative score of 10 represents no damage relative to nonsprayed controls and 0 represents a dead plant. Reproductive scores (Fertile) are determined at 28 days after spraying and are evaluated as to whether or not the plant is fertile.

### **Example 2A**

Canola plants were transformed with the pMON17110, pMON17116, and pMON17131 vectors and a number of plant lines of the transformed canola were obtained which exhibit glyphosate tolerance.

### **Plant Material**

Seedlings of *Brassica napus* cv *Westar* were established in 2 inch (~ 5 cm) pots containing Metro Mix 350. They were grown in a growth chamber at 24°C, 16/8 hour photoperiod, light intensity of 400  $\mu\text{Em}^{-2}\text{sec}^{-1}$  (HID lamps). They were fertilized with Peters 20-10-20 General Purpose Special. After 2 1/2 weeks they were transplanted to 6 inch (~ 15 cm) pots and grown in a growth chamber at 15/10°C day/night temperature, 16/8 hour photoperiod, light

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intensity of 800  $\mu\text{Em}^{-2}\text{sec}^{-1}$  (HID lamps). They were fertilized with Peters 15-30-15 Hi-Phos Special.

### Transformation/Selection/Regeneration

Four terminal internodes from plants just prior to bolting or in the process of bolting but before flowering were removed and surfaced sterilized in 70% v/v ethanol for 1 minute, 2% w/v sodium hypochlorite for 20 minutes and rinsed 3 times with sterile deionized water. Stems with leaves attached could be refrigerated in moist plastic bags for up to 72 hours prior to sterilization. Six to seven stem segments were cut into 5mm discs with a Redco Vegetable Slicer 200 maintaining orientation of basal end.

The *Agrobacterium* was grown overnight on a rotator at 24°C in 2mls of Luria Broth containing 50mg/l kanamycin, 24mg/l chloramphenicol and 100 mg/l spectinomycin. A 1:10 dilution was made in MS (Murashige and Skoog) media giving approximately  $9 \times 10^8$  cells per ml. This was confirmed with optical density readings at 660 mu. The stem discs (explants) were inoculated with 1.0 ml of *Agrobacterium* and the excess was aspirated from the explants.

The explants were placed basal side down in petri plates containing 1/10X standard MS salts, B5 vitamins, 3% sucrose, 0.8% agar, pH 5.7, 1.0 mg/l 6-benzyladenine (BA). The plates were layered with 1.5 ml of media containing MS salts, B5 vitamins, 3% sucrose, pH 5.7, 4.0 mg/l p-chlorophenoxyacetic acid, 0.005 mg/l kinetin and covered with sterile filter paper.

Following a 2 to 3 day co-culture, the explants were transferred to deep dish petri plates containing MS salts, B5 vitamins, 3% sucrose, 0.8% agar, pH 5.7, 1 mg/l BA, 500 mg/l carbenicillin, 50mg/l cefotaxime, 200 mg/l kanamycin or 175 mg/l gentamicin for selection. Seven explants were placed on each plate. After 3 weeks they were transferred to fresh media, 5 explants per plate. The explants were cultured in a growth room at 25°C, continuous light (Cool White).

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### **Expression Assay**

After 3 weeks shoots were excised from the explants. Leaf recalling assays were initiated to confirm modification of  $R_0$  shoots. Three tiny pieces of leaf tissue were placed on recalling media containing MS salts, B5 vitamins, 3% sucrose, 0.8% agar, pH 5.7, 5.0mg/l BA, 0.5 mg/l naphthalene acetic acid (NAA), 500 mg/l carbenicillin, 50mg/l cefotaxime and 200 mg/l kanamycin or gentamicin or 0.5 mM glyphosate. The leaf assays were incubated in a growth room under the same conditions as explant culture. After 3 weeks the leaf recalling assays were scored for herbicide tolerance (callus or green leaf tissue) or sensitivity (bleaching).

### **Transplantation**

At the time of excision, the shoot stems were dipped in Rootone® and placed in 2 inch (~ 5 cm) pots containing Metro-Mix 350 and placed in a closed humid environment. They were placed in a growth chamber at 24°C, 16/8 hour photoperiod, 400  $\mu\text{Em}^{-1}\text{sec}^{-2}$  (HID lamps) for a hardening-off period of approximately 3 weeks.

The seed harvested from  $R_0$  plants is  $R_1$  seed which gives rise to  $R_1$  plants. To evaluate the glyphosate tolerance of an  $R_0$  plant, its progeny are evaluated. Because an  $R_0$  plant is assumed to be hemizygous at each insert location, selfing results in maximum genotypic segregation in the  $R_1$ . Because each insert acts as a dominant allele, in the absence of linkage and assuming only one hemizygous insert is required for tolerance expression, one insert would segregate 3:1, two inserts, 15:1, three inserts 63:1, etc. Therefore, relatively few  $R_1$  plants need be grown to find at least one resistant phenotype.

Seed from an  $R_0$  plant is harvested, threshed, and dried before planting in a glyphosate spray test. Various techniques have been used to grow the plants for  $R_1$  spray evaluations. Tests are conducted in both greenhouses and growth chambers. Two planting systems are used; ~ 10 cm pots or plant trays

containing 32 or 36 cells. Soil used for planting is either Metro 350 plus three types of slow release fertilizer or plant Metro 350. Irrigation is either overhead in greenhouses or sub-irrigation in growth chambers. Fertilizer is applied as required in irrigation water. Temperature regimes appropriate for canola were maintained. A sixteen hour photoperiod was maintained. At the onset of flowering, plants are transplanted to ~15 cm pots for seed production.

A spray "batch" consists of several sets of  $R_1$  progenies all sprayed on the same date. Some batches may also include evaluations of other than  $R_1$  plants. Each batch also includes sprayed and unsprayed non-transgenic genotypes representing the genotypes in the particular batch which were putatively transformed. Also included in a batch is one or more non-segregating transformed genotypes previously identified as having some resistance.

Two-six plants from each individual  $R_0$  progeny are not sprayed and serve as controls to compare and measure the glyphosate tolerance, as well as to assess any variability not induced by the glyphosate. When the other plants reach the 2-4 leaf stage, usually 10 to 20 days after planting, glyphosate is applied at rates varying from 0.28 to 1.12 kg/ha, depending on objectives of the study. Low rate technology using low volumes has been adopted. A laboratory track sprayer has been calibrated to deliver a rate equivalent to field conditions.

A scale of 0 to 10 is used to rate the sprayed plants for vegetative resistance. The scale is relative to the unsprayed plants from the same  $R_0$  plant. A 0 is death, while a 10 represents no visible difference from the unsprayed plant. A higher number between 0 and 10 represents progressively less damage as compared to the unsprayed plant. Plants are scored at 7, 14, and 28 days after treatment (DAT), or until bolting, and a line is given the average score of the sprayed plants within an  $R_0$  plant family.

Six integers are used to qualitatively describe the degree of reproductive damage from glyphosate:

- 0: No floral bud development
- 2: Floral buds present, but aborted prior to opening
- 4: Flowers open, but no anthers, or anthers fail to extrude past petals
- 6: Sterile anthers
- 8: Partially sterile anthers
- 10: Fully fertile flowers

Plants are scored using this scale at or shortly after initiation of flowering, depending on the rate of floral structure development.

#### **Expression of EPSPS in Canola**

After the 3 week period, the transformed canola plants were assayed for the presence of glyphosate-tolerant EPSPS activity (assayed in the presence of glyphosate at 0.5 mM). The results are shown in Table VIII.

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**Table VIII Expression of CP4 EPSPS in transformed Canola plants**

7,0720

	Plant #	% resistant EPSPS activity of Leaf extract (at 0.5 mM glyphosate)
Vector Control		0
pMON17110	41	47
pMON17110	52	28
pMON17110	71	82
pMON17110	104	75
pMON17110	172	84
pMON17110	177	85
pMON17110	252	29*
pMON17110	350	49
pMON17116	40	25
pMON17116	99	87
pMON17116	175	94
pMON17116	178	43
pMON17116	182	18
pMON17116	252	69
pMON17116	298	44*
pMON17116	332	89
pMON17116	383	97
pMON17116	395	52

\*assayed in the presence of 1.0 mM glyphosate

R<sub>1</sub> transformants of canola were then grown in a growth chamber and sprayed with glyphosate at 0.56 kg/ha (kilogram/hectare) and rated vegetatively. These results are shown in Table IXA - IXC. It is to be noted that expression of glyphosate resistant EPSPS in all tissues is preferred to observe optimal glyphosate tolerance phenotype in these transgenic plants. In the Tables below, only expression results obtained with leaf tissue are described.

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**Table IXA Glyphosate tolerance in Class II EPSPS  
canola R<sub>1</sub> transformants**

(pMON17110 = P-E35S; pMON17116 = P-FMV35S; R<sub>1</sub> plants;  
Spray rate = 0.56 kg/ha)

Vector/Plant No.	% resistant <u>EPSPS*</u>	Vegetative <u>Score**</u>	
		day 7	day 14
Control Westar	0	5	3
pMON17110/41	47	6	7
pMON17110/71	82	6	7
pMON17110/177	85	9	10
pMON17116/40	25	9	9
pMON17116/99	87	9	10
pMON17116/175	94	9	10
pMON17116/178	43	6	3
pMON17116/182	18	9	10
pMON17116/383	97	9	10

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**Table IXB Glyphosate tolerance in Class II EPSPS  
canola R<sub>1</sub> transformants**

(pMON17131 = P-FMV35S; R1 plants; Spray rate = 0.84 kg/ha)

Vector/Plant No.	Vegetative score**	Reproductive score
	<u>day 14</u>	<u>day 28</u>
17131/78	10	10
17131/102	9	10
17131/115	9	10
17131/116	9	10
17131/157	9	10
17131/169	10	10
17131/255	10	10
control Westar	1	0

**Table IXC Glyphosate tolerance in Class I EPSPS  
canola transformants**

(P-E35S; R2 Plants; Spray rate = 0.28 kg/ha)

Vector/Plant No.	% resistant EPSPS*	Vegetative Score**	
		<u>day 7</u>	<u>day 14</u>
Control Westar	0	4	2
pMON899/715	96	5	6
pMON899/744	95	8	8
pMON899/794	86	6	4
pMON899/818	81	7	8
pMON899/885	57	7	6

\* % resistant EPSPS activity in the presence of 0.5 mM glyphosate

\*\* A vegetative score of 10 indicates no damage, a score of 0 is given to a dead plant.

The data obtained for the Class II EPSPS transformants may be compared to glyphosate-tolerant Class I EPSP transformants in which the

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same promoter is used to express the EPSPS genes and in which the level of glyphosate-tolerant EPSPS activity was comparable for the two types of transformants. A comparison of the data of pMON17110 [in Table IXA] and pMON17131 [Table IXB] with that for pMON899 [in Table IXC; the Class I gene in pMON899 is that from *A. thaliana* (Klee *et al.*, 1987) in which the glycine at position 101 was changed to an alanine] illustrates that the Class II EPSPS is at least as good as that of the Class I EPSPS. An improvement in vegetative tolerance of Class II EPSPS is apparent when one takes into account that the Class II plants were sprayed at twice the rate and were tested as R<sub>1</sub> plants.

### **Example 2B**

The construction of two plant transformation vectors and the transformation procedures used to produce glyphosate-tolerant canola plants are described in this example. The vectors, pMON17209 and pMON17237, were used to generate transgenic glyphosate-tolerant canola lines. The vectors each contain the gene encoding the 5-enol-pyruvyl-shikimate-3-phosphate synthase (EPSPS) from *Agrobacterium* sp. strain CP4. The vectors also contain either the *gox* gene encoding the glyphosate oxidoreductase enzyme (GOX) from *Achromobacter* sp. strain LBAA (Barry *et al.*, 1992) or the gene encoding a variant of GOX (GOX v.247) which displays improved catalytic properties. These enzymes convert glyphosate to aminomethylphosphonic acid and glyoxylate and protect the plant from damage by the metabolic inactivation of glyphosate. The combined result of providing an alternative, resistant EPSPS enzyme and the metabolism of glyphosate produces transgenic plants with enhanced tolerance to glyphosate.

**Molecular biology techniques.** In general, standard molecular biology and microbial genetics approaches were employed (Maniatis *et al.*, 1982).

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Site-directed mutageneses were carried out as described by Kunkel *et al.* (1987). Plant-preferred genes were synthesized and the sequence confirmed.

**Plant transformation vectors.** The following describes the general features of the plant transformation vectors that were modified to form vectors pMON17209 and pMON17237. The *Agrobacterium* mediated plant transformation vectors contain the following well-characterized DNA segments which are required for replication and function of the plasmids (Rogers and Klee, 1987; Klee and Rogers, 1989). The first segment is the 0.45 kb *Cla*I-*Dra*I fragment from the pTi15955 octopine Ti plasmid which contains the T-DNA left border region (Barker *et al.*, 1983). It is joined to the 0.75 kb origin of replication (*ori*V) derived from the broad-host range plasmid RK2 (Stalker *et al.*, 1981). The next segment is the 3.1 kb *Sal*I-*Pvu*I segment of pBR322 which provides the origin of replication for maintenance in *E. coli* and the *bom* site for the conjugational transfer into the *Agrobacterium tumefaciens* cells (Bolivar *et al.*, 1977). This is fused to the 0.93 kb fragment isolated from transposon Tn7 which encodes bacterial spectinomycin and streptomycin resistance (Fling *et al.*, 1985), a determinant for the selection of the plasmids in *E. coli* and *Agrobacterium*. It is fused to the 0.36 kb *Pvu*I-*Bcl*II fragment from the pTiT37 plasmid which contains the nopaline-type T-DNA right border region (Fraley *et al.*, 1985). Several chimeric genes engineered for plant expression can be introduced between the Ti right and left border regions of the vector. In addition to the elements described above, this vector also includes the 35S promoter/NPTII/NOS 3' cassette to enable selection of transformed plant tissues on kanamycin (Klee and Rogers, 1989; Fraley *et al.*, 1983; and Odell, *et al.*, 1985) within the borders. An "empty" expression cassette is also present between the borders and consists of the enhanced E35S promoter (Kay *et al.*, 1987), the 3' region from the small subunit of RUBPcarboxylase of pea (E9) (Coruzzi *et al.*, 1984; Morelli *et al.*, 1986), and a number of restriction enzyme sites that may be used for the cloning of DNA sequences for

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expression in plants. The plant transformation system based on *Agrobacterium tumefaciens* delivery has been reviewed (Klee and Rogers, 1989; Fraley *et al.*, 1986). The *Agrobacterium* mediated transfer and integration of the vector T-DNA into the plant chromosome results in the expression of the chimeric genes conferring the desired phenotype in plants.

**Bacterial Inoculum.** The binary vectors are mobilized into *Agrobacterium tumefaciens* strain ABI by the triparental conjugation system using the helper plasmid pRK2013 (Ditta *et al.*, 1980). The ABI strain contains the disarmed pTiC58 plasmid pMP90RK (Koncz and Schell, 1986) in the chloramphenicol resistant derivative of the *Agrobacterium tumefaciens* strain A208.

**Transformation procedure.** *Agrobacterium* inocula were grown overnight at 28°C in 2 ml of LBSCK (LBSCK is made as follows: LB liquid medium [1 liter volume] = 10 g NaCl; 5 g Yeast Extract; 10 g tryptone; pH 7.0, and autoclave for 22 minutes. After autoclaving, add spectinomycin (50 mg/ml stock) - 2 ml, kanamycin (50 mg/ml stock) - 1 ml, and chloramphenicol (25 mg/ml stock) - 1 ml.). One day prior to inoculation, the *Agrobacterium* was subcultured by inoculating 200 µl into 2 ml of fresh LBSCK and grown overnight. For inoculation of plant material, the culture was diluted with MSO liquid medium to an A<sub>660</sub> range of 0.2- 0.4.

Seedlings of *Brassica napus* cv. Westar were grown in Metro Mix 350 (Hummert Seed Co., St. Louis, Mo.) in a growth chamber with a day/night temperature of 15/10°C, relative humidity of 50%, 16h/8h photoperiod, and at a light intensity of 500 µmol m<sup>-2</sup> sec<sup>-1</sup>. The plants were watered daily (via sub-irrigation) and fertilized every other day with Peter's 15:30:15 (Fogelsville, Pa.).

In general, all media recipes and the transformation protocol follow those in Fry *et. al.* (1987). Five to six week-old Westar plants were harvested when the plants had bolted (but prior to flowering), the leaves and buds were removed, and the 4-5 inches of stem below the flower buds were used as the explant tissue source. Following sterilization with 70% ethanol for 1 min and 38% Clorox for 20 min, the stems were rinsed three times with sterile water and cut into 5 mm-long segments (the orientation of the basal end of the stem segments was noted). The plant material was incubated for 5 minutes with the diluted *Agrobacterium* culture at a rate of 5 ml of culture per 5 stems. The suspension of bacteria was removed by aspiration and the explants were placed basal side down - for an optimal shoot regeneration response - onto co-culture plates (1/10 MSO solid medium with a 1.5 ml TXD (tobacco xanthi diploid) liquid medium overlay and covered with a sterile 8.5 cm filter paper). Fifty-to-sixty stem explants were placed onto each co-culture plate.

After a 2 day co-culture period, stem explants were moved onto MS medium containing 750 mg/l carbenicillin, 50 mg/l cefotaxime, and 1 mg/l BAP (benzylaminopurine) for 3 days. The stem explants were then placed for two periods of three weeks each, again basal side down and with 5 explants per plate, onto an MS/0.1 mM glyphosate, selection medium (also containing carbenicillin, cefotaxime, and BAP (The glyphosate stock [0.5M] is prepared as described in the following: 8.45 g glyphosate [analytical grade] is dissolved in 50 ml deionized water, adding KOH pellets to dissolve the glyphosate, and the volume is brought to 100 ml following adjusting the pH to 5.7. The solution is filter-sterilized and stored at 4°C). After 6 weeks on this glyphosate selection medium, green, normally developing shoots were excised from the stem explants and were placed onto fresh MS medium containing 750 mg/l carbenicillin, 50 mg/l cefotaxime, and 1 mg/l BAP, for further shoot development. When the shoots were 2-3 inches tall, a fresh cut at the end of

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the stem was made, the cut end was dipped in Root-tone, and the shoot was placed in Metro Mix 350 soil and allowed to harden-off for 2-3 weeks.

**Construction of Canola transformation vector pMON17209.**

The EPSPS gene was isolated originally from *Agrobacterium* sp. strain CP4 and expresses a highly tolerant enzyme. The original gene contains sequences that could be inimical to high expression of the gene in some plants. These sequences include potential polyadenylation sites that are often A+T rich, a higher G+C% than that frequently found in dicotyledonous plant genes (63% versus ~50%), concentrated stretches of G and C residues, and codons that may not be used frequently in dicotyledonous plant genes. The high G+C% in the CP4 EPSPS gene could also result in the formation of strong hairpin structures that may affect expression or stability of the RNA. A plant preferred version of the gene was synthesized and used for these vectors. This coding sequence was expressed in *E. coli* from a *PRecA-gene10L* vector (Olins *et al.*, 1988) and the EPSPS activity was compared with that from the native CP4 EPSPS gene. The  $\text{app}K_m$  for PEP for the native and synthetic genes was 11.8  $\mu\text{M}$  and 12.7  $\mu\text{M}$ , respectively, indicating that the enzyme expressed from the synthetic gene was unaltered. The N-terminus of the coding sequence was then mutagenized to place an *SphI* site (GCATGC) at the ATG to permit the construction of the CTP2-CP4 synthetic fusion for chloroplast import. This change had no apparent effect on the *in vivo* activity of CP4 EPSPS in *E. coli* as judged by complementation of the *aroA* mutant. A CTP-CP4 EPSPS fusion was constructed between the *Arabidopsis thaliana* EPSPS CTP (Klee *et al.*, 1987) and the CP4 EPSPS coding sequences. The *Arabidopsis* CTP was engineered by site-directed mutagenesis to place a *SphI* restriction site at the CTP processing site. This mutagenesis replaced the Glu-Lys at this location with Cys-Met. The CTP2-CP4 EPSPS fusion was tested for import into chloroplasts isolated from *Lactuca sativa* using the methods described previously (della-Cioppa *et al.*, 1986; 1987).

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The GOX gene that encodes the glyphosate metabolizing enzyme glyphosate oxidoreductase (GOX) was cloned originally from *Achromobacter* sp. strain LBAA (Hallas *et al.*, 1988; Barry *et al.*, 1992). The *gox* gene from strain LBAA was also resynthesized in a plant-preferred sequence version and in which many of the restriction sites were removed (PCT Appln. No. WO 92/00377). The GOX protein is targeted to the plastids by a fusion between the C-terminus of a CTP and the N-terminus of GOX. A CTP, derived from the SSU1A gene from *Arabidopsis thaliana* (Timko *et al.*, 1988) was used. This CTP (CTP1) was constructed by a combination of site-directed mutageneses. The CTP1 is made up of the SSU1A CTP (amino acids 1-55), the first 23 amino acids of the mature SSU1A protein (56-78), a serine residue (amino acid 79), a new segment that repeats amino acids 50 to 56 from the CTP and the first two from the mature protein (amino acids 80-87), and an alanine and methionine residue (amino acid 88 and 89). An *NcoI* restriction site is located at the 3' end (spans the Met89 codon) to facilitate the construction of precise fusions to the 5' of GOX. At a later stage, a *BglII* site was introduced upstream of the N-terminus of the SSU1A sequences to facilitate the introduction of the fusions into plant transformation vectors. A fusion was assembled between CTP1 and the synthetic GOX gene.

The CP4 EPSPS and GOX genes were combined to form pMON17209 as described in the following. The CTP2-CP4 EPSPS fusion was assembled and inserted between the constitutive FMV35S promoter (Gowda *et al.*, 1989; Richins *et al.*, 1987) and the E9 3' region (Coruzzi *et al.*, 1984; Morelli *et al.*, 1985) in a pUC vector (Yannisch-Perron *et al.*, 1985; Vieira and Messing, 1987) to form pMON17190; this completed element may then be moved easily as a *NotI-NotI* fragment to other vectors. The CTP1-GOX fusion was also assembled in a pUC vector with the FMV35S promoter. This element was then moved as a *HindIII-BamHI* fragment into the plant transformation

vector pMON10098 and joined to the E9 3' region in the process. The resultant vector pMON17193 has a single *NotI* site into which the FMV 35S/CTP2-CP4 EPSPS/E9 3' element from pMON17190 was cloned to form pMON17194. The kanamycin plant transformation selection cassette (Fraley *et al.*, 1985) was then deleted from pMON17194, by cutting with *XhoI* and re-ligating, to form the pMON17209 vector (Figure 24).

**Construction of Canola transformation vector pMON17237.**

The GOX enzyme has an apparent  $K_m$  for glyphosate [ $appK_m(\text{glyphosate})$ ] of ~25 mM. In an effort to improve the effectiveness of the glyphosate metabolic rate *in planta*, a variant of GOX has been identified in which the  $appK_m(\text{glyphosate})$  has been reduced approximately 10-fold; this variant is referred to as GOX v.247 and the sequence differences between it and the original plant-preferred GOX are illustrated in PCT Appln. No. WO 92/00377. The GOX v.247 coding sequence was combined with CTP1 and assembled with the FMV35S promoter and the E9 3' by cloning into the pMON17227 plant transformation vector to form pMON17241. In this vector, effectively, the CP4 EPSPS was replaced by GOX v.247. The pMON17227 vector had been constructed by replacing the CTP1-GOX sequences in pMON17193 with those for the CTP2-CP4 EPSPS, to form pMON17199 and followed by deleting the kanamycin cassette (as described above for pMON17209). The pMON17237 vector (Figure 25) was then completed by cloning the FMV35S/CTP2-CP4 EPSPS/E9 3' element as a *NotI-NotI* fragment into pMON17241.



### Example 3

Soybean plants were transformed with the pMON13640 (Figure 15) vector and a number of plant lines of the transformed soybean were obtained which exhibit glyphosate tolerance.

Soybean plants are transformed with pMON13640 by the method of microprojectile injection using particle gun technology as described in Christou *et al.* (1988). The seed harvested from  $R_0$  plants is  $R_1$  seed which gives rise to  $R_1$  plants. To evaluate the glyphosate tolerance of an  $R_0$  plant, its progeny are evaluated. Because an  $R_0$  plant is assumed to be hemizygous at each insert location, selfing results in maximum genotypic segregation in the  $R_1$ . Because each insert acts as a dominant allele, in the absence of linkage and assuming only one hemizygous insert is required for tolerance expression, one insert would segregate 3:1, two inserts, 15:1, three inserts 63:1, etc. Therefore, relatively few  $R_1$  plants need be grown to find at least one resistant phenotype.

Seed from an  $R_0$  soybean plant is harvested, and dried before planting in a glyphosate spray test. Seeds are planted into 4 inch (~5 cm) square pots containing Metro 350. Twenty seedlings from each  $R_0$  plant is considered adequate for testing. Plants are maintained and grown in a greenhouse environment. A 12.5-14 hour photoperiod and temperatures of 30°C day and 24°C night is regulated. Water soluble Peters Pete Lite fertilizer is applied as needed.

A spray "batch" consists of several sets of  $R_1$  progenies all sprayed on the same date. Some batches may also include evaluations of other than  $R_1$  plants. Each batch also includes sprayed and unsprayed non-transgenic genotypes representing the genotypes in the particular batch which were putatively transformed. Also included in a batch is one or more non-segregating transformed genotypes previously identified as having some resistance.

One to two plants from each individual  $R_0$  progeny are not sprayed and serve as controls to compare and measure the glyphosate tolerance, as well as

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to assess any variability not induced by the glyphosate. When the other plants reach the first trifoliate leaf stage, usually 2-3 weeks after planting, glyphosate is applied at a rate equivalent of 128 oz./acre (8.895 kg/ha) of Roundup®. A laboratory track sprayer has been calibrated to deliver a rate equivalent to those conditions.

A vegetative score of 0 to 10 is used. The score is relative to the unsprayed progenies from the same R<sub>0</sub> plant. A 0 is death, while a 10 represents no visible difference from the unsprayed plant. A higher number between 0 and 10 represents progressively less damage as compared to the unsprayed plant. Plants are scored at 7, 14, and 28 days after treatment (DAT). The data from the analysis of one set of transformed and control soybean plants are described on Table X and show that the CP4 EPSPS gene imparts glyphosate tolerance in soybean also.

**Table X**

**Glyphosate tolerance in Class II EPSPS soybean transformants**

(P-E35S, P-FMV35S; RO plants; Spray rate = 128 oz./acre)

<u>Vector/Plant No.</u>	<u>Vegetative score</u>		
	<u>day 7</u>	<u>day 14</u>	<u>day 28</u>
13640/40-11	5	6	7
13640/40-3	9	10	10
13640/40-7	4	7	7
control A5403 2	1	0	
control A5403 1	1	0	

**Example 4**

The CP4 EPSPS gene may be used to select transformed plant material directly on media containing glyphosate. The ability to select and to identify transformed plant material depends, in most cases, on the use of a dominant selectable marker gene to enable the preferential and continued growth of the

transformed tissues in the presence of a normally inhibitory substance. Antibiotic resistance and herbicide tolerance genes have been used almost exclusively as such dominant selectable marker genes in the presence of the corresponding antibiotic or herbicide. The nptII/kanamycin selection scheme is probably the most frequently used. It has been demonstrated that CP4 EPSPS is also a useful and perhaps superior selectable marker/selection scheme for producing and identifying transformed plants.

A plant transformation vector that may be used in this scheme is pMON17227 (Figure 16). This plasmid resembles many of the other plasmids described infra and is essentially composed of the previously described bacterial replicon system that enables this plasmid to replicate in *E. coli* and to be introduced into and to replicate in *Agrobacterium*, the bacterial selectable marker gene (Spc/Str), and located between the T-DNA right border and left border is the CTP2-CP4 synthetic gene in the FMV35S promoter-E9 3' cassette. This plasmid also has single sites for a number of restriction enzymes, located within the borders and outside of the expression cassette. This makes it possible to easily add other genes and genetic elements to the vector for introduction into plants.

The protocol for direct selection of transformed plants on glyphosate is outlined for tobacco. Explants are prepared for pre-culture as in the standard procedure as described in Example 1: surface sterilization of leaves from 1 month old tobacco plants (15 minutes in 10% clorox + surfactant; 3X dH<sub>2</sub>O washes); explants are cut in 0.5 x 0.5 cm squares, removing leaf edges, mid-rib, tip, and petiole end for uniform tissue type; explants are placed in single layer, upside down, on MS104 plates + 2 ml 4COO5K media to moisten surface; pre-culture 1-2 days. Explants are inoculated using overnight culture of *Agrobacterium* containing the plant transformation plasmid that is adjusted to a titer of  $1.2 \times 10^9$  bacteria/ml with 4COO5K media. Explants are placed into a centrifuge tube. the *Agrobacterium* suspension is added and the mixture of bacteria and explants is "Vortexed" on maximum setting for 25 seconds to

ensure even penetration of bacteria. The bacteria are poured off and the explants are blotted between layers of dry sterile filter paper to remove excess bacteria. The blotted explants are placed upside down on MS104 plates + 2ml 4COO5K media + filter disc. Co-culture is 2-3 days. The explants are transferred to MS104 + Carbenicillin 1000 mg/l + cefotaxime 100 mg/l for 3 days (delayed phase). The explants are then transferred to MS104 + glyphosate 0.05 mM + Carbenicillin 1000 mg/l + cefotaxime 100 mg/l for selection phase. At 4-6 weeks shoots are cut from callus and placed on MSO + Carbenicillin 500 mg/l rooting media. Roots form in 3-5 days, at which time leaf pieces can be taken from rooted plates to confirm glyphosate tolerance and that the material is transformed.

The presence of the CP4 EPSPS protein in these transformed tissues has been confirmed by immunoblot analysis of leaf discs. The data from one experiment with pMON17227 is presented in the following: 139 shoots formed on glyphosate from 400 explants inoculated with *Agrobacterium* ABI/pMON17227; 97 of these were positive on recalling on glyphosate. These data indicate a transformation rate of 24 per 100 explants, which makes this a highly efficient and time saving transformation procedure for plants. Similar transformation frequencies have been obtained with pMON17131 and direct selection of transformants on glyphosate with the CP4 EPSPS genes has also been shown in other plant species, including, *Arabidopsis*, soybean, corn, wheat, potato, tomato, cotton, lettuce, and sugarbeet.

The pMON17227 plasmid contains single restriction enzyme recognition cleavage sites (NotI, XhoI, and BstXI) between the CP4 glyphosate selection region and the left border of the vector for the cloning of additional genes and to facilitate the introduction of these genes into plants.

**Example 5A**

The CP4 EPSPS gene has also been introduced into Black Mexican Sweet (BMS) corn cells with expression of the protein and glyphosate resistance detected in callus.

The backbone for this plasmid was a derivative of the high copy plasmid pUC119 (Viera and Messing, 1987). The 1.3 Kb FspI-DraI pUC119 fragment containing the origin of replication was fused to the 1.3 Kb SmaI-HindIII filled fragment from pKC7 (Rao and Rogers, 1979) which contains the neomycin phosphotransferase type II gene to confer bacterial kanamycin resistance. This plasmid was used to construct a monocot expression cassette vector containing the 0.6 kb cauliflower mosaic virus (CaMV) 35S RNA promoter with a duplication of the -90 to -300 region (Kay *et al.*, 1987), an 0.8 kb fragment containing an intron from a maize gene in the 5' untranslated leader region, followed by a polylinker and the 3' termination sequences from the nopaline synthase (NOS) gene (Fraley *et al.*, 1983). A 1.7 Kb fragment containing the 300 bp chloroplast transit peptide from the *Arabidopsis* EPSP synthase fused in frame to the 1.4 Kb coding sequence for the bacterial CP4 EPSP synthase was inserted into the monocot expression cassette in the polylinker between the intron and the NOS termination sequence to form the plasmid pMON19653 (Figure 17).

pMON19653 DNA was introduced into *Black Mexican Sweet* (BMS) cells by co-bombardment with EC9, a plasmid containing a sulfonylurea-resistant form of the maize acetolactate synthase gene. 2.5 mg of each plasmid was coated onto tungsten particles and introduced into log-phase BMS cells using a PDS-1000 particle gun essentially as described (Klein *et al.*, 1989). Transformants are selected on MS medium containing 20 ppb chlorsulfuron. After initial selection on chlorsulfuron, the calli can be assayed directly by Western blot. Glyphosate tolerance can be assessed by transferring the calli to

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medium containing 5mM glyphosate. As shown in Table XI, CP4 EPSPS confers glyphosate tolerance to corn callus.

**Table XI. Expression of CP4 in BMS Corn Callus - pMON 19653**

<u>Line</u>	<u>CP4 expression</u> <u>(% extracted protein)</u>
284	0.006 %
287	0.036
290	0.061
295	0.073
299	0.113
309	0.042
313	0.003

To measure CP4 EPSPS expression in corn callus, the following procedure was used: BMS callus (3 g wet weight) was dried on filter paper (Whatman#1) under vacuum, reweighed, and extraction buffer (500 µl/g dry weight; 100 mM Tris, 1 mM EDTA, 10% glycerol) was added. The tissue was homogenized with a Wheaton overhead stirrer for 30 seconds at 2.8 power setting. After centrifugation (3 minutes, Eppendorf microfuge), the supernatant was removed and the protein was quantitated (BioRad Protein Assay). Samples (50 µg/well) were loaded on an SDS PAGE gel (Jule, 3-17%) along with CP4 EPSPS standard (10 ng), electrophoresed, and transferred to nitrocellulose similarly to a previously described method (Padgett, 1987). The nitrocellulose blot was probed with goat anti-CP4 EPSPS IgG, and developed with I-125 Protein G. The radioactive blot was visualized by autoradiography. Results were quantitated by densitometry on an LKB UltraScan XL laser densitomer and are tabulated below in Table X.

**Table XII. Glyphosate resistance in BMS Corn Callus  
using pMON 19653**

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<u>Vector</u>	<u>Experiment</u>	<u># chlorsulfuron- resistant lines</u>	<u># cross-resistant to Glyphosate</u>
19653	253	120	81/ 120 = 67.5 %
19653	254	80	37/ 80 = 46%
EC9 control	253/254	8	0/8 = 0%

Improvements in the expression of Class II EPSPS could also be achieved by expressing the gene using stronger plant promoters, using better 3' polyadenylation signal sequences, optimizing the sequences around the initiation codon for ribosome loading and translation initiation, or by combination of these or other expression or regulatory sequences or factors.

#### **Example 5B**

The plant-expressible genes encoding the CP4 EPSPS and a glyphosate oxidoreductase enzyme (PCT Pub. No. WO92/00377) were introduced into embryogenic corn callus through particle bombardment. Plasmid DNA was prepared using standard procedures (Ausubel *et al.*, 1987), cesium-chloride purified, and re-suspended at 1 mg/ml in TE buffer. DNA was precipitated onto M10 tungsten or 1.0μ gold particles (BioRad) using a calcium chloride/spermidine precipitation protocol, essentially as described by Klein *et al.* (1987). The PDS1000® gunpowder gun (BioRad) was used. Callus tissue was obtained by isolating 1-2 mm long immature embryos from the "Hi-II" genotype (Armstrong *et al.*, 1991), or Hi-II X B73 crosses, onto a modified N6 medium (Armstrong and Green, 1985; Songstad *et al.*, 1991). Embryogenic callus ("type-II"; Armstrong and Green, 1985) initiated from these embryos was maintained by subculturing at two week intervals, and was bombarded when less than two months old. Each plate of callus tissue was bombarded from 1 to 3 times with either tungsten or gold particles coated with the plasmid DNA(s) of interest. Callus was transferred to a modified N6 medium

containing an appropriate selective agent (either glyphosate, or one or more of the antibiotics kanamycin, G418, or paromomycin) 1-8 days following bombardment, and then re-transferred to fresh selection media at 2-3 week intervals. Glyphosate-resistant calli first appeared approximately 6-12 weeks post-bombardment. These resistant calli were propagated on selection medium, and samples were taken for assays gene expression. Plant regeneration from resistant calli was accomplished essentially as described by Petersen *et al.* (1992).

In some cases, both gene(s) were covalently linked together on the same plasmid DNA molecule. In other instances, the genes were present on separate plasmids, but were introduced into the same plant through a process termed "co-transformation". The 1 mg/ml plasmid preparations of interest were mixed together in an equal ratio, by volume, and then precipitated onto the tungsten or gold particles. At a high frequency, as described in the literature (e.g., Schocher *et al.*, 1986), the different plasmid molecules integrate into the genome of the same plant cell. Generally the integration is into the same chromosomal location in the plant cell, presumably due to recombination of the plasmids prior to integration. Less frequently, the different plasmids integrate into separate chromosomal locations. In either case, there is integration of both DNA molecules into the same plant cell, and any plants produced from that cell.

Transgenic corn plants were produced as described above which contained a plant-expressible CP4 gene and a plant-expressible gene encoding a glyphosate oxidoreductase enzyme.

The plant-expressible CP4 gene comprised a structural DNA sequence encoding a CTP2/CP4 EPSPS fusion protein. The CTP2/CP4 EPSPS is a gene fusion composed of the N-terminal 0.23 Kb chloroplast transit peptide sequence from the *Arabidopsis thaliana* EPSPS gene (Klee *et al.* 1987, referred to herein as CTP2), and the C-terminal 1.36 Kb 5-enolpyruvylshikimate-3-phosphate synthase gene (CP4) from an *Agrobacterium* species. Plant



expression of the gene fusion produces a pre-protein which is rapidly imported into chloroplasts where the CTP is cleaved and degraded (della-Cioppa *et al.*, 1986) releasing the mature CP4 protein.

The plant-expressible gene expressing a glyphosate oxidoreductase enzyme comprised a structural DNA sequence comprising CTP1/GOXsyn gene fusion composed of the N-terminal 0.26 Kb chloroplast transit peptide sequence derived from the *Arabidopsis thaliana* SSU 1a gene (Timko *et al.*, 1988 referred to herein as CTP1), and the C-terminal 1.3 Kb synthetic gene sequence encoding a glyphosate oxidoreductase enzyme (GOXsyn, as described in PCT Pub. No. WO92/00377 previously incorporated by reference). The GOXsyn gene encodes the enzyme glyphosate oxidoreductase from an *Achromobacter* sp. strain LBAA which catalyzes the conversion of glyphosate to herbicidally inactive products, aminomethylphosphonate and glyoxylate. Plant expression of the gene fusion produces a pre-protein which is rapidly imported into chloroplasts where the CTP is cleaved and degraded (della-Cioppa *et al.*, 1986) releasing the mature GOX protein.

Both of the above described genes also include the following regulatory sequences for plant expression: (i) a promoter region comprising a 0.6 Kb 35S cauliflower mosaic virus (CaMV) promoter (Odell *et al.*, 1985) with the duplicated enhancer region (Kay *et al.*, 1987) which also contains a 0.8 Kb fragment containing the first intron from the maize heat shock protein 70 gene (Shah *et al.*, 1985 and PCT Pub. No. WO93/19189, the disclosure of which is hereby incorporated by reference); and (ii) a 3' non-translated region comprising a 0.3 Kb fragment of the 3' non-translated region of the nopaline synthase gene (Fraley *et al.*, 1983 and Depicker, *et al.*, 1982) which functions to direct polyadenylation of the mRNA.

The above described transgenic corn plants exhibit tolerance to glyphosate herbicide in greenhouse and field trials.

**Example 6**

The LBAA Class II EPSPS gene has been introduced into plants and also imparts glyphosate tolerance. Data on tobacco transformed with pMON17206 (infra) are presented in Table XIII.

**Table XIII - Tobacco Glyphosate Spray Test**  
**(pMON17206: E35S - CTP2-LBAA EPSPS: 0.4 lbs/ac)**

<u>Line</u>	<u>7 Day Rating</u>
33358	9
34586	9
33328	9
34606	9
33377	9
34611	10
34607	10
34601	9
34589	9
Samsun (Control)	4

From the foregoing, it will be recognized that this invention is one well adapted to attain all the ends and objects hereinabove set forth together with advantages which are obvious and which are inherent to the invention. It will be further understood that certain features and subcombinations are of utility and may be employed without reference to other features and subcombinations. This is contemplated by and is within the scope of the claims. Since many possible embodiments may be made of the invention without departing from the scope thereof, it is to be understood that all matter herein set forth or shown in the accompanying drawings is to be interpreted as illustrative and not in a limiting sense.

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